

108TH CONGRESS
1ST SESSION

S. 525

To amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

Mr. LEVIN (for himself, Ms. COLLINS, Mr. DEWINE, Ms. STABENOW, Mr. REED, Mr. INOUE, Mr. VOINOVICH, Mr. KENNEDY, Mr. LEAHY, Ms. CANTWELL, Mr. JEFFORDS, Mr. WARNER, Mr. AKAKA, Mr. FITZGERALD, Mr. DURBIN, and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Aquatic Invasive Species Act of 2003”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Findings.
 Sec. 3. Definitions.

TITLE I—PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE UNITED STATES BY VESSELS

- Sec. 101. Prevention of introduction of aquatic invasive species into waters of the United States by vessels.
 Sec. 102. Armed services whole vessel management program.

TITLE II—PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES BY OTHER PATHWAYS

- Sec. 201. Priority pathway management program.
 Sec. 202. Screening process for planned importations of live aquatic organisms.

TITLE III—EARLY DETECTION; RAPID RESPONSE; CONTROL AND OUTREACH

- Sec. 301. Early detection.
 Sec. 302. Rapid response.
 Sec. 303. Dispersal barriers.
 Sec. 304. Environmental soundness.
 Sec. 305. Specific invasive species control programs.
 Sec. 306. Information, education, and outreach.

TITLE IV—AQUATIC INVASIVE SPECIES RESEARCH

- Sec. 401. Ecological, pathway, and experimental research.
 Sec. 402. Analysis.
 Sec. 403. Vessel pathway standards research.
 Sec. 404. Graduate education in systematics and taxonomy.

TITLE V—COORDINATION

- Sec. 501. Program coordination.
 Sec. 502. International coordination.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

- Sec. 601. Authorization of appropriations.

TITLE VII—CONFORMING AMENDMENTS

- Sec. 701. Conforming amendments.

1 SEC. 2. FINDINGS.

2 Congress finds that—

- 3 (1) invasive species can cause devastating de-
 4 clines in local, regional, and national species diver-
 5 sity;

1 (2) aquatic invasive species continue to be in-
2 troduced into waters of the United States;

3 (3) aquatic invasive species damage infrastruc-
4 ture, disrupt commerce, out compete native species,
5 reduce biodiversity, and threaten human health;

6 (4) the direct and indirect costs of aquatic
7 invasive species to the economy of the United States
8 amount to billions of dollars per year;

9 (5) in the Great Lakes region, approximately
10 \$3,000,000,000 has been spent in the past 10 years
11 to mitigate the damage caused by a single invasive
12 species, the zebra mussel;

13 (6) recent studies have—

14 (A) demonstrated that, in addition to eco-
15 nomic damage, invasive species can cause enor-
16 mous ecological damage; and

17 (B) cited invasive species as the second
18 leading threat to endangered species;

19 (7) over the past 200 years, the rate of detected
20 marine and freshwater invasions in North America
21 has increased exponentially;

22 (8) wetlands suffer compound impacts from—

23 (A) terrestrial infestations (such as Nu-
24 tria);

1 (B) aquatic infestations (such as Hydrilla);

2 and

3 (C) riparian infestations (such as Purple

4 Loosestrife);

5 (9) the rate of invasions continues to be unac-
6 ceptable;

7 (10) infestations by aquatic invasive species
8 often spread and cause significant, negative regional,
9 national, and international effects;

10 (11) prevention of aquatic invasive species is
11 the most environmentally sound and cost-effective
12 management approach because once established,
13 aquatic invasive species are costly, and sometimes
14 impossible to control;

15 (12) to be effective, the prevention, early detec-
16 tion, and control of and rapid response to aquatic
17 invasive species should be coordinated regionally, na-
18 tionally, and internationally;

19 (13) research underlies every aspect of detect-
20 ing, preventing, controlling, and eradicating invasive
21 species, educating citizens and stakeholders, and re-
22 storing ecosystems;

23 (14) pathway management is the most prom-
24 ising approach to reducing unplanned introductions
25 of aquatic invasive species;

1 (15) consistent national screening criteria are
2 needed to evaluate the potential risk of nonnative
3 aquatic species;

4 (16) States and regions have specific problems
5 with respect to aquatic invasive species and re-
6 sources for addressing aquatic invasive species;

7 (17) an emphasis on research, development, and
8 demonstration to support prevention efforts would
9 likely result in a more cost-effective and successful
10 approach to combating invasive species through pre-
11 venting initial introduction;

12 (18) research, development, and demonstration
13 to support prevention includes monitoring of path-
14 ways and ecosystems to track the introduction and
15 establishment of invasive species, analysis of that
16 data, and development and testing of technologies to
17 prevent introduction through known pathways;

18 (19) the Aquatic Nuisance Species Task Force
19 established by section 1201(a) of the Nonindigenous
20 Aquatic Nuisance Prevention and Control Act of
21 1990 (16 U.S.C. 4721(a)) has been directed by Con-
22 gress to coordinate interagency responses to aquatic
23 invasive species, but the provision of additional di-
24 rection, and assignment of specific responsibilities,

1 to various Federal agencies would accelerate those
2 responses; and

3 (20) it is in the interest of the United States
4 to conduct a comprehensive and thorough research,
5 development, and demonstration program on aquatic
6 invasive species in order to better understand how
7 aquatic invasive species are introduced and become
8 established and to support efforts to prevent the in-
9 troduction and establishment of those species.

10 **SEC. 3. DEFINITIONS.**

11 Section 1003 of the Nonindigenous Aquatic Nuisance
12 Prevention and Control Act of 1990 (16 U.S.C. 4702) is
13 amended to read as follows:

14 **“SEC. 1003. DEFINITIONS.**

15 “In this Act:

16 “(1) ADMINISTRATOR.—The term ‘Adminis-
17 trator’ means the Administrator of the Environ-
18 mental Protection Agency.

19 “(2) AQUATIC ECOSYSTEMS.—The term ‘aquat-
20 ic ecosystems’ means freshwater, marine, and estua-
21 rine environments (including inland waters and wet-
22 lands), located wholly in the United States.

23 “(3) ASSISTANT SECRETARY.—The term ‘As-
24 sistant Secretary’ means the Assistant Secretary of
25 the Army for Civil Works.

1 “(4) BALLAST WATER.—The term ‘ballast
2 water’ means any water (with its suspended matter)
3 used to maintain the trim and stability of a vessel.

4 “(5) COASTAL VOYAGE.—The term ‘coastal voy-
5 age’ means a voyage conducted entirely within the
6 exclusive economic zone.

7 “(6) DIRECTOR.—The term ‘Director’ means
8 the Director of the United States Fish and Wildlife
9 Service.

10 “(7) ENVIRONMENTALLY SOUND.—The term
11 ‘environmentally sound’, when used in reference to
12 any activity or thing, refers to an activity or thing
13 that prevents, wholly or in part, introductions, or
14 controls infestations, of aquatic invasive species in a
15 manner that—

16 “(A) minimizes adverse effects on—

17 “(i) the structure and function of an
18 ecosystem; and

19 “(ii) nontarget organisms and eco-
20 systems; and

21 “(B) emphasizes the use of integrated pest
22 management techniques.

23 “(8) EXCLUSIVE ECONOMIC ZONE.—The term
24 ‘exclusive economic zone’ means the area comprised
25 of—

1 “(A) the Exclusive Economic Zone of the
2 United States established by Proclamation
3 Number 5030, dated March 10, 1983; and

4 “(B) the equivalent zones of Canada and
5 Mexico.

6 “(9) GREAT LAKE.—The term “Great Lake”
7 means—

8 “(A) Lake Erie;

9 “(B) Lake Huron (including Lake Saint
10 Clair);

11 “(C) Lake Michigan;

12 “(D) Lake Ontario;

13 “(E) Lake Superior;

14 “(F) the connecting channels of those
15 Lakes, including—

16 “(i) the Saint Mary’s River;

17 “(ii) the Saint Clair River;

18 “(iii) the Detroit River;

19 “(iv) the Niagara River; and

20 “(v) the Saint Lawrence River to the
21 Canadian border; and

22 “(G) any other body of water located with-
23 in the drainage basin of a Lake, River, or con-
24 necting channel described in any of subpara-
25 graphs (A) through (F).

1 “(10) GREAT LAKES REGION.—The term ‘Great
2 Lakes region’ means the region comprised of the
3 States of Illinois, Indiana, Michigan, Minnesota,
4 New York, Ohio, Pennsylvania, and Wisconsin.

5 “(11) INDIAN TRIBE.—The term ‘Indian tribe’
6 has the meaning given the term in section 4 of the
7 Indian Self-Determination and Education Assistance
8 Act (25 U.S.C. 450b).

9 “(12) INTERBASIN WATERWAY.—The term
10 ‘interbasin waterway’ means a waterway that con-
11 nects 2 distinct water basins.

12 “(13) INTERNATIONAL JOINT COMMISSION.—
13 The term ‘International Joint Commission’ means
14 the commission established by article VII of the
15 Treaty relating to boundary waters and questions
16 arising along the boundary between the United
17 States and Canada, signed at Washington on Janu-
18 ary 11, 1909 (36 Stat. 2448; TS 548).

19 “(14) INTERSTATE ORGANIZATION.—The term
20 ‘interstate organization’ means an entity that—

21 “(A) is established by—

22 “(i) an interstate compact approved
23 by Congress;

24 “(ii) an Act of Congress; or

1 “(iii) an international agreement to
2 which the United States is a party;

3 “(B)(i) represents 2 or more—

4 “(I) States (or political subdivisions of
5 States); or

6 “(II) Indian tribes;

7 “(ii) represents—

8 “(I) 1 or more States (or political
9 subdivisions of States); and

10 “(II) 1 or more Indian tribes; or

11 “(iii) represents the Federal Government
12 and 1 or more foreign governments; and

13 “(C) has jurisdiction over, serves as a
14 forum for coordinating, or otherwise has a role
15 or responsibility for the management of, any
16 land or other natural resource.

17 “(15) INTRODUCTION.—The term ‘introduction’
18 means the transfer of an organism to an ecosystem
19 outside the historic range of the species of which the
20 organism is a member.

21 “(16) INVASION.—The term ‘invasion’ means
22 an infestation of an aquatic invasive species.

23 “(17) INVASIVE SPECIES.—The term ‘invasive
24 species’ means a nonindigenous species the introduc-
25 tion of which into an ecosystem may cause harm to

1 the economy, environment, human health, recreation,
2 or public welfare.

3 “(18) INVASIVE SPECIES COUNCIL.—The term
4 ‘Invasive Species Council’ means the interagency
5 council established by section 3 of Executive Order
6 No. 13112 (42 U.S.C. 4321 note).

7 “(19) NEW SOURCE.—The term ‘new source’
8 means any source of nonnative species that may be
9 introduced by construction that is commenced after
10 the publication of a proposed regulation prescribing
11 a standard of performance under this Act that is ap-
12 plicable to the source, if the standard is subse-
13 quently promulgated in accordance with this Act.

14 “(20) NONINDIGENOUS SPECIES.—The term
15 ‘nonindigenous species’ means any species in an eco-
16 system that enters that ecosystem from outside the
17 historic range of the species.

18 “(21) ORGANISM IN TRADE.—The term ‘orga-
19 nism in trade’ means an organism of a species or
20 subspecies that has a documented history of being
21 commercially imported into the United States in the
22 period beginning on January 1, 1990, and ending on
23 January 1, 2002.

24 “(22) ORGANISM TRANSFER.—The term ‘orga-
25 nism transfer’ means the movement of an organism

1 of any species from 1 ecosystem to another eco-
 2 system.

3 “(23) PATHWAY.—The term ‘pathway’ means 1
 4 or more routes by which an invasive species is trans-
 5 ferred from 1 ecosystem to another.

6 “(24) PILOT SCALE TEST.—The term ‘pilot
 7 scale test’ means a test—

8 “(A) that is conducted at less than full-
 9 scale; and

10 “(B) the results of which can potentially
 11 be extrapolated to the full scale.

12 “(25) PLANNED IMPORTATION.—The term
 13 ‘planned importation’ means the purposeful move-
 14 ment of a species into the territorial limits of the
 15 United States.

16 “(26) REGIONAL PANEL.—The term ‘regional
 17 panel’ means a panel convened in accordance with
 18 section 1203.

19 “(27) SECRETARY.—The term ‘Secretary’
 20 means the Secretary of the department in which the
 21 Coast Guard is operating.

22 “(28) SPECIES.—The term ‘species’ means any
 23 fundamental category of taxonomic classification, or
 24 any viable biological material, ranking below a genus
 25 or subgenus.

1 “(29) TASK FORCE.—The term ‘Task Force’
2 means the Aquatic Nuisance Species Task Force es-
3 tablished by section 1201(a).

4 “(30) TERRITORIAL SEA.—The term ‘territorial
5 sea’ means the belt of the sea measured from the
6 baseline of the United States determined in accord-
7 ance with international law, as set forth in Presi-
8 dential Proclamation Number 5928, dated December
9 27, 1988.

10 “(31) TREATMENT.—The term ‘treatment’
11 means a mechanical, physical, chemical, biological,
12 or other process or method of killing, removing, or
13 rendering infertile, invasive species.

14 “(32) TYPE APPROVAL.—The term ‘type ap-
15 proval’ means an approval procedure under which a
16 type of system is certified as meeting a standard es-
17 tablished by law (including a regulation) for a par-
18 ticular application.

19 “(33) UNDER SECRETARY.—The term ‘Under
20 Secretary’ means the Under Secretary of Commerce
21 for Oceans and Atmosphere.

22 “(34) UNDESIRABLE IMPACT.—The term ‘unde-
23 sirable impact’ means economic, human health, aes-
24 thetic, or environmental degradation that is not nec-

1 essary for, and is not clearly outweighed by, public
2 health, environmental, or welfare benefits.

3 “(35) WATERS OF THE UNITED STATES.—

4 “(A) IN GENERAL.—The term ‘waters of
5 the United States’ means the navigable waters
6 and territorial sea of the United States.

7 “(B) INCLUSION.—The term ‘waters of the
8 United States’ includes the Great Lakes.”.

9 **TITLE I—PREVENTION OF IN-**
10 **TRODUCTION OF AQUATIC**
11 **INVASIVE SPECIES INTO WA-**
12 **TERS OF THE UNITED STATES**
13 **BY VESSELS**

14 **SEC. 101. PREVENTION OF INTRODUCTION OF AQUATIC**
15 **INVASIVE SPECIES INTO WATERS OF THE**
16 **UNITED STATES BY VESSELS.**

17 (a) IN GENERAL.—Section 1101 of the Nonindige-
18 nous Aquatic Nuisance Prevention and Control Act of
19 1990 (16 U.S.C. 4711) is amended to read as follows:

20 **“SEC. 1101. PREVENTION OF INTRODUCTION OF AQUATIC**
21 **INVASIVE SPECIES INTO WATERS OF THE**
22 **UNITED STATES BY VESSELS.**

23 “(a) REQUIREMENTS FOR VESSELS OPERATING IN
24 WATERS OF THE UNITED STATES.—

25 “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

1 “(A) IN GENERAL.—Effective beginning on
2 the date that is 180 days after the issuance of
3 guidelines pursuant to subparagraph (D) and
4 promulgation of any regulations under this sec-
5 tion, each vessel that is equipped with ballast,
6 and each towed vessel and structure, operating
7 in waters of the United States shall have in ef-
8 fect, and have available for inspection, an
9 aquatic invasive species management plan that
10 prescribes safe and effective means by which
11 the master of the vessel shall minimize intro-
12 ductions and transfers of invasive species by
13 any part of the vessel (including towed vessels),
14 pursuant to the guidelines or regulations appli-
15 cable to that vessel.

16 “(B) SPECIFICITY.—The management plan
17 shall be specific to the vessel (or group of ves-
18 sels with characteristics similar to that of the
19 vessel, as determined by the Secretary).

20 “(C) REQUIREMENTS.—The management
21 plan shall include, at a minimum, such informa-
22 tion as is requested by the Secretary pursuant
23 to subparagraph (D), including—

24 “(i) operational requirements to safely
25 and effectively comply with the ballast

1 water management requirements under
2 paragraph (4);

3 “(ii) operational requirements to safe-
4 ly and effectively carry out any actions
5 consistent with a rapid response action re-
6 quired by States and approved by the Sec-
7 retary under section 1211;

8 “(iii) other requirements specified in
9 guidelines adopted by the International
10 Maritime Organization;

11 “(iv) a description of all reporting re-
12 quirements and a copy of each form nec-
13 essary to meet those requirements;

14 “(v) the position of the officer respon-
15 sible for implementation of ballast water
16 management and reporting procedures on
17 board;

18 “(vi) documents relevant to any bal-
19 last water management equipment or pro-
20 cedures;

21 “(vii) a description of the location of
22 access points for sampling ballast or sedi-
23 ments pursuant to paragraph (3)(B)(vi);

24 “(viii) a description of requirements
25 relating to compliance with any approved

1 rapid response strategy relevant to the voy-
2 age of the vessel;

3 “(ix) a contingency strategy applicable
4 under section 1211, if appropriate; and

5 “(x) such requirements described in
6 subsection (b) as are applicable to the ves-
7 sel.

8 “(D) GUIDELINES.—Not later than 18
9 months after the date of enactment of the Na-
10 tional Aquatic Invasive Species Act of 2003, the
11 Secretary shall issue final guidelines for the de-
12 velopment of invasive species management
13 plans, including guidelines that—

14 “(i) identify types of vessels for which
15 plans are required;

16 “(ii) establish processes for updating
17 and revising the plans; and

18 “(iii) establish criteria for compliance
19 with this subsection.

20 “(2) RECORDS.—The master of a vessel shall—

21 “(A) maintain records of all ballast oper-
22 ations, for such period of time and including
23 such information as the Secretary may specify;

1 “(B) permit inspection of the records by
2 representatives of the Secretary and of the
3 State in which the port is located; and

4 “(C) transmit records to the National Bal-
5 last Information Clearinghouse established
6 under section 1102(f).

7 “(3) BEST MANAGEMENT PRACTICES.—

8 “(A) IN GENERAL.—Not later than 18
9 months after the date of enactment of the Na-
10 tional Aquatic Invasive Species Act of 2003, the
11 Secretary shall issue guidelines on best manage-
12 ment practices to eliminate or minimize and
13 monitor organism transfer by vessels.

14 “(B) PRACTICES TO BE INCLUDED.—The
15 best management practices shall include—

16 “(i) sediment management in trans-
17 oceanic vessels;

18 “(ii) minimization of ballast water up-
19 take in areas in which there is a greater
20 risk of harmful organisms entering ballast
21 tanks (such as areas with toxic algal
22 blooms or known outbreaks of aquatic
23 invasive species);

1 “(iii) avoidance of unnecessary dis-
 2 charge of ballast water in a port that was
 3 taken up in another port;

4 “(iv) to the maximum extent prac-
 5 ticable, collection and the proper disposal
 6 of debris from the cleaning of the hull;

7 “(v) proper use of anti-fouling coat-
 8 ing; and

9 “(vi) provision of sample access ports
 10 in ballast piping for sampling of ballast in-
 11 take and discharge.

12 “(4) BALLAST WATER MANAGEMENT.—

13 “(A) IN GENERAL.—Except as provided in
 14 subparagraph (B) and subsection (c), each ves-
 15 sel equipped with a ballast water tank that en-
 16 ters a United States port shall comply with—

17 “(i) the standards described in para-
 18 graphs (1) and (2) of subsection (b); and

19 “(ii) the regulations promulgated
 20 under subsection (e) relating to ballast
 21 water management.

22 “(B) EXCEPTIONS.—

23 “(i) VESSELS OPERATING ENTIRELY
 24 WITHIN EXCLUSIVE ECONOMIC ZONE.—A
 25 vessel equipped with a ballast tank that

operates entirely within the exclusive economic zone shall not be required to comply with the standard described in subsection (b)(1).

“(ii) VESSELS OPERATING IN ENCLOSED AQUATIC ECOSYSTEMS.—

“(I) IN GENERAL.—Subject to subclause (II), a vessel equipped with a ballast tank and that operates exclusively in the upper 4 Great Lakes (Lake Superior, Lake Michigan, Lake Huron, and Lake Erie, and the connecting channels), or in another enclosed aquatic ecosystem in which the potential for movement of organisms by natural and anthropogenic means is not significantly altered by the movement of the vessel, shall not be required to comply with the standards described in paragraphs (1) and (2) of subsection (b).

“(II) ADDITIONAL ENCLOSED AQUATIC ZONES.—The Administrator and the Under Secretary, in consultation with regional panels of the Task

1 Force, may determine additional en-
 2 closed aquatic zones that are covered
 3 by subclause (I).

4 “(b) BALLAST WATER MANAGEMENT STANDARDS
 5 AND CERTIFICATION PROCEDURES.—

6 “(1) INTERIM STANDARDS.—

7 “(A) IN GENERAL.—Not later than 18
 8 months after the date of enactment of the Na-
 9 tional Aquatic Invasive Species Act of 2003, the
 10 Secretary, with the concurrence of the Adminis-
 11 trator and in consultation with the Task Force,
 12 shall promulgate final regulations establishing
 13 interim standards indicating acceptable—

14 “(i) operational performance for bal-
 15 last water exchange (including contingency
 16 procedures in instances in which a safety
 17 exemption is used pursuant to subsection
 18 (k)); and

19 “(ii) biological effectiveness of ballast
 20 water treatment systems (including on-
 21 shore facilities and facilities on board ves-
 22 sels).

23 “(B) REQUIREMENTS.—

24 “(i) BALLAST WATER EXCHANGE.—
 25 The interim standard for ballast water ex-

1 change described in subparagraph (A) shall
2 require—

3 “(I) at least 1 empty-and-refill
4 cycle on the high sea or in an alter-
5 native exchange area designated by
6 the Secretary, of each ballast tank
7 that contains ballast water to be dis-
8 charged into waters of the United
9 States;

10 “(II) in a case in which the mas-
11 ter of a vessel determines that compli-
12 ance with subclause (I) is impracti-
13 cable, a sufficient number of flow-
14 through exchanges of ballast water, on
15 the high sea or in an alternative ex-
16 change area designated by the Sec-
17 retary, to achieve replacement of at
18 least 95 percent of ballast water in
19 ballast tanks of the vessel, as deter-
20 mined by a certification dye study
21 conducted or model developed in ac-
22 cordance with protocols developed
23 under paragraph (4)(B)(i) and re-
24 corded in the management plan of a

1 vessel pursuant to subsection
2 (a)(1)(C)(i); and

3 “(III) an approved contingency
4 procedure using best practicable tech-
5 nology or practices in instances in
6 which a ballast water exchange is not
7 undertaken pursuant to subsection
8 (k).

9 “(ii) BALLAST SYSTEM DESIGN AND
10 WATER TREATMENT SYSTEMS.—The in-
11 terim standard for a ballast water system
12 design and treatment system described in
13 subparagraph (A) shall require that at
14 least 95 percent of the live aquatic
15 vertebrates, invertebrates, phytoplankton,
16 and macroalgae, respectively, in ballast
17 water taken in by a vessel or class of ves-
18 sels be killed or removed from ballast dis-
19 charge as determined by the qualified type
20 approved process promulgated under para-
21 graph (4)(B)(ii)

22 “(iii) CRITERIA; PERIOD OF EFFEC-
23 TIVENESS.—The interim standards de-
24 scribed in clauses (i) and (ii) shall—

1 “(I) meet occupational safety and
2 environmental soundness criteria de-
3 scribed in paragraph (7); and

4 “(II) cease to apply on the effec-
5 tive date of final standards developed
6 pursuant to paragraph (2).

7 “(2) FINAL STANDARDS.—

8 “(A) IN GENERAL.—Not later than 4 years
9 after the date of enactment of the National
10 Aquatic Invasive Species Act of 2003, the Ad-
11 ministrator, in consultation with the Task
12 Force and with the concurrence of the Sec-
13 retary, shall promulgate final standards for bal-
14 last water discharge and other vessel operations
15 determined to pose a significant risk to the en-
16 vironment through the introduction of non-
17 indigenous species.

18 “(B) REQUIREMENTS.—The final stand-
19 ards shall—

20 “(i) result from application of the best
21 available technology economically achiev-
22 able for—

23 “(I) the applicable category or
24 class of vessels; and

1 “(II) the new source or existing
2 source status;

3 “(ii) have the goal of eliminating the
4 risk of introduction of nonnative species
5 (including plant, animal, and human
6 pathogens) into waters of the United
7 States by vessels of nonnative species, in-
8 cluding plant, animal, and human patho-
9 gens;

10 “(iii) consider findings of scientific
11 and policy research, including research
12 conducted pursuant to this Act; and

13 “(iv) be measurable.

14 “(3) CERTIFICATION OF TREATMENTS AND EN-
15 FORCEMENT.—

16 “(A) IN GENERAL.—Not later than the
17 date on which interim standards are promul-
18 gated under paragraph (1) and final standards
19 are promulgated pursuant to paragraph (2)(A),
20 the Secretary shall, with the concurrence of the
21 Administrator, promulgate regulations for—

22 “(i) the certification of treatments or
23 practices that comply with the standards;
24 and

1 “(ii) on-going enforcement of the use
2 of the treatments or practices.

3 “(B) CERTIFICATION UNDER INTERIM
4 STANDARDS.—The certification of treatments
5 and practices in compliance with the interim
6 standard promulgated pursuant to paragraph
7 (1) shall be based on a qualified type approval
8 process, including—

9 “(i) a protocol for ballast water ex-
10 change involving dye studies or models de-
11 tailing flow dynamics of vessels described
12 in paragraph (1)(B)(i)(II); and

13 “(ii) a protocol for qualified type ap-
14 proval of ballast water treatment systems
15 for the interim standard described in para-
16 graph (1) that—

17 “(I) is capable of determining the
18 extent to which a ballast water treat-
19 ment system complies with applicable
20 standards including limitations on
21 that compliance caused by—

22 “(aa) biological, chemical, or
23 physical conditions of water
24 taken into ballast; and

1 “(bb) conditions encountered
2 during a voyage;

3 “(II) is capable of determining
4 the extent to which a ballast water
5 treatment system—

6 “(aa) is environmentally
7 sound, based on criteria promul-
8 gated by the Administrator under
9 paragraph (7)(A); and

10 “(bb) is safe for vessel and
11 crew;

12 “(III) may be used in estimating
13 the expected useful life of the ballast
14 water treatment system, as deter-
15 mined on the basis of voyage patterns
16 and normal use conditions;

17 “(IV) includes a shipboard test-
18 ing component, and may include a
19 shore-based testing component;

20 “(V) provides for appropriate
21 monitoring; and

22 “(VI) is cost effective.

23 “(C) CERTIFICATION UNDER FINAL
24 STANDARDS.—The certification of treatments in

compliance with the final standards promulgated pursuant to paragraph (2) shall—

“(i) apply to all methods of ballast water management and system design, including—

“(I) ballast water exchange;

“(II) ballast water treatment systems; and

“(III) other vessel operations determined to pose a significant risk to the environment through the introduction of nonnative organisms;

“(ii) be reviewed and, as appropriate, revised not less often than every 3 years pursuant to subsection (f)(1);

“(iii) meet occupational safety and environmental soundness criteria described in paragraph (7); and

“(iv) apply beginning not later than October 1, 2011.

“(4) EXPERIMENTAL APPROVAL FOR BALLAST WATER TREATMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), if, before the date on which the Secretary promulgates interim ballast water man-

1 agement standards under paragraph (1), an
2 owner or operator of a vessel seeks to conduct
3 a treatment of ballast water—

4 “(i) the owner or operator shall apply
5 to the Secretary for experimental approval
6 of the treatment; and

7 “(ii) the Secretary shall approve the
8 treatment if—

9 “(I) the owner or operator pro-
10 vides to the Secretary independent,
11 peer-reviewed, pilot-scale information
12 relating to the effectiveness and envi-
13 ronmental soundness of the treatment;

14 “(II) the Secretary and the Ad-
15 ministrator, in consultation with the
16 Task Force (including relevant re-
17 gional panels, and the Prevention
18 Committee, of the Task Force), deter-
19 mine that the technology to be used
20 for the treatment has significant po-
21 tential to kill or remove at least 95
22 percent of the aquatic vertebrates, in-
23 vertebrates, phyto-plankton, and
24 macro algae, respectively, in ballast
25 water taken in by the class of vessel

1 for which the treatment is sought to
 2 be conducted; and

3 “(III) the Administrator deter-
 4 mines that the treatment meets envi-
 5 ronmental regulations.

6 “(B) LIMITATIONS.—

7 “(i) PERIOD OF TESTING.—Testing of
 8 the treatment system approved under this
 9 section may cease prior to the termination
 10 of the approval period described in clause
 11 (ii).

12 “(ii) PERIOD OF APPROVAL.—Ap-
 13 proval granted under subparagraph (A)
 14 shall be for the least of—

15 “(I) a period of 10 years;

16 “(II) the expected life of the
 17 treatment system; or

18 “(III) a period ending on the
 19 date that the Secretary and Adminis-
 20 trator (as appropriate) determines
 21 that there exists a serious deficiency
 22 in performance or human safety or
 23 environmental soundness of the sys-
 24 tem relative to anticipated perform-
 25 ance or environmental soundness.

1 “(iii) INFORMATION.—As a condition
 2 of receiving experimental approval for a
 3 treatment under subparagraph (A)(ii), the
 4 owner or operator of a vessel shall agree to
 5 collect and report such information regard-
 6 ing the operational and biological effective-
 7 ness of the treatment through sampling of
 8 the intake and discharge ballast as the
 9 Secretary may request.

10 “(iv) RENEWAL.—An experimental
 11 approval may be renewed pursuant to
 12 paragraph (7)(B).

13 “(5) INCENTIVES FOR USE OF TREATMENT SYS-
 14 TEMS.—

15 “(A) IN GENERAL.—The Secretary, the
 16 Secretary of Transportation, and the Adminis-
 17 trator shall assist owners or operators of vessels
 18 that seek to obtain experimental or interim ap-
 19 proval for installation of ballast water treat-
 20 ment systems, including through providing
 21 guidance on—

22 “(i) a sampling protocol and test pro-
 23 gram for cost effective treatment evalua-
 24 tion;

1 “(ii) sources of sampling equipment
2 and field biological expertise; and

3 “(iii) examples of shipboard evalua-
4 tion studies.

5 “(B) SELECTION OF TECHNOLOGIES AND
6 PRACTICES.—In selecting technologies and
7 practices for shipboard demonstration under
8 section 1104(b), the Secretary of the Interior
9 and the Secretary of Commerce shall give pri-
10 ority consideration to technologies and practices
11 that have received or are in the process of re-
12 ceiving approval under paragraphs (1) and (4).

13 “(C) ANNUAL SUMMARIES.—The Secretary
14 shall annually summarize, and make available
15 to interested parties, all available information
16 on the performance of technologies proposed for
17 ballast treatment to facilitate the application
18 process for experimental approval for ballast
19 water treatment under paragraph (4).

20 “(6) APPLICATION FOR APPROVAL.—

21 “(A) IN GENERAL.—The Secretary and the
22 Administrator shall approve an application for
23 certification of a ballast water treatment system
24 only if the application is in such form and con-

1 tains such information as the Secretary and Ad-
 2 ministrator may require.

3 “(B) APPROVAL AND DISAPPROVAL.—

4 “(i) IN GENERAL.—On receipt of an
 5 application under subparagraph (A)—

6 “(I) the Administrator shall, not
 7 later than 90 days after the date of
 8 receipt of the application—

9 “(aa) review the application
 10 for compliance and consistency
 11 with environmental soundness
 12 criteria promulgated under para-
 13 graph (7)(A); and

14 “(bb) approve those ballast
 15 water treatment systems that
 16 meet those criteria; and

17 “(II) the Secretary, in consulta-
 18 tion with the Task Force, shall, not
 19 later than 180 days after the date of
 20 receipt of the application—

21 “(aa) determine whether the
 22 ballast water treatment system
 23 covered by the application meets
 24 the requirements of this sub-
 25 section, as appropriate;

1 “(bb) approve or disapprove
2 the application; and

3 “(cc) provide the applicant
4 written notice of approval or dis-
5 approval.

6 “(ii) LIMITATIONS.—An application
7 approved under clause (i) shall—

8 “(I) be qualified with any limita-
9 tions relating to voyage pattern, dura-
10 tion, or any other characteristic that
11 may affect the effectiveness or envi-
12 ronmental soundness of the ballast
13 water treatment system covered by
14 the application, as determined by the
15 Secretary in consultation with the Ad-
16 ministrator;

17 “(II) be applicable to a specific
18 vessel or group of vessels, as deter-
19 mined by the Secretary;

20 “(III) be valid for the least of—

21 “(aa) the expected useful life
22 of the ballast water treatment
23 system;

24 “(bb) 10 years; or

1 “(cc) such period of time for
2 which the Secretary or Adminis-
3 trator (as appropriate) deter-
4 mines that (based on available in-
5 formation, including information
6 developed pursuant to paragraph
7 (4)(B)(iii)) there exists a serious
8 deficiency in performance or envi-
9 ronmental soundness of the sys-
10 tem relative to anticipated per-
11 formance or environmental
12 soundness; and

13 “(IV) be renewed if—

14 “(aa) the Secretary deter-
15 mines that the ballast water
16 treatment system remains in
17 compliance with applicable stand-
18 ards as of the date of application
19 for renewal; or

20 “(bb) the remaining useful
21 life of the vessel is less than 10
22 years.

23 “(7) ENVIRONMENTAL SOUNDNESS CRITERIA
24 FOR BALLAST TREATMENTS.—

“(A) IN GENERAL.—The Administrator shall include in criteria promulgated under section 1202(k)(1)(A) specific criteria—

“(i) to ensure environmental soundness of ballast treatment systems; and

“(ii) to grant environmental soundness exceptions under subparagraph (B).

“(B) EXCEPTIONS.—

“(i) IN GENERAL.—In reviewing applications under paragraph (6)(B)(i)(I) in an emergency situation to achieve reductions in significant and acute risk of transfers of invasive species by vessels, the Secretary and the Administrator may jointly determine to make an exception to criteria described in subparagraph (A)(i).

“(ii) QUALIFICATION OF APPROVALS.—To be eligible for an exception under clause (i), an approval under paragraph (6)(B)(i)(I) shall be qualified under paragraph (6)(B)(ii).

“(c) DESIGN FEATURES AND TREATMENT SYSTEMS FOR NEW VESSELS.—A vessel of which construction begins on or after January 1, 2006, shall be equipped with

1 design features and ballast water treatment systems that
 2 meet, at a minimum—

3 “(1) the interim standards described in sub-
 4 section (b)(1)(B)(ii); or

5 “(2) on promulgation of final standards pursu-
 6 ant to subsection (b)(2)(A), such final standard as
 7 is applicable to the vessel.

8 “(d) GREAT LAKES PROGRAM.—

9 “(1) REGULATIONS.—Until such time as regu-
 10 lations are promulgated to implement the amend-
 11 ments made by the National Aquatic Invasive Spe-
 12 cies Act of 2003, regulations promulgated to carry
 13 out this Act shall remain in effect until revised or
 14 replaced pursuant to the National Aquatic Invasive
 15 Species Act of 2003.

16 “(2) RELATIONSHIP TO OTHER PROGRAMS.—
 17 On implementation of a national mandatory ballast
 18 management program that is at least as comprehen-
 19 sive as the Great Lakes program (as determined by
 20 the Secretary, in consultation with the Governors of
 21 Great Lakes States)—

22 “(A) the program regulating vessels and
 23 ballast water in Great Lakes under this section
 24 shall terminate; and

1 “(B) the national program shall apply to
2 such vessels and ballast water.

3 “(3) REVIEW AND REVISION.—

4 “(A) IN GENERAL.—Not later than the
5 date that is 18 months after the date of enact-
6 ment of the National Aquatic Invasive Species
7 Act of 2003, the Secretary shall—

8 “(i) review and revise regulations pro-
9 mulgated under this section; and

10 “(ii) promulgate the revised regula-
11 tions.

12 “(B) CONTENTS.—The revised regulations
13 shall include, at a minimum, requirements
14 under subsections (a) and (b) (as amended by
15 that Act).

16 “(e) AUTHORITY OF THE SECRETARY.—

17 “(1) IN GENERAL.—The Secretary shall, with
18 the concurrence of the Administrator, promulgate
19 regulations to carry out this section.

20 “(2) PROGRAM COMPONENTS.—

21 “(A) IN GENERAL.—In carrying out para-
22 graph (1), the Secretary shall promulgate a
23 separate set of regulations for—

1 “(i) ships that enter the Great Lakes
 2 after operating outside the exclusive eco-
 3 nomic zone; and

4 “(ii) ships that enter United States
 5 ports after operating outside the exclusive
 6 economic zone, excluding United States
 7 ports on the Great Lakes.

8 “(B) DURATION.—Regulations promul-
 9 gated under subparagraph (A)(i) shall remain
 10 in effect until the Great Lakes program is ter-
 11 minated pursuant to (b)(1)(B).

12 “(3) REQUIREMENTS.—The regulations promul-
 13 gated under paragraph (1) shall—

14 “(A) be consistent with interim and final
 15 standards promulgated under paragraphs (1)
 16 and (2), respectively, of subsection (b);

17 “(B) apply to all vessels to which the re-
 18 spective standards apply;

19 “(C) protect the safety of—

20 “(i) each vessel; and

21 “(ii) the crew and passengers of each
 22 vessel;

23 “(D) provide for sampling of ballast intake
 24 and discharge flows through ballast piping to
 25 monitor for compliance with the regulations;

1 “(E) take into consideration—

2 “(i) vessel types;

3 “(ii) variations in the ecological condi-
4 tions of waters and coastal areas of the
5 United States; and

6 “(iii) different operating conditions;

7 “(F) be based on the best scientific infor-
8 mation available; and

9 “(G) not affect or supersede any require-
10 ments or prohibitions pertaining to the dis-
11 charge of ballast water into waters of the
12 United States under the Federal Water Pollu-
13 tion Control Act (33 U.S.C. 1251 et seq.).

14 “(4) TIME FRAME AND CONTENT.—In promul-
15 gating under paragraph (1), the Secretary shall—

16 “(A) not later than 18 months after the
17 date of enactment of the National Aquatic
18 Invasive Species Act of 2003 that are consistent
19 with the interim standards and certification
20 procedures promulgated under subsection (b)(1)
21 and other requirements of this section, require
22 a vessel—

23 “(i)(I) to carry out the exchange of
24 ballast water of the vessel in waters beyond
25 the exclusive economic zone in accordance

1 with the standards and certification proce-
2 dures promulgated under subsection (b)(1);
3 or

4 “(II) in a case in which the master of
5 the vessel determines that compliance with
6 clause (i) is impracticable, to exchange the
7 ballast water of the vessel in other waters
8 in which the exchange does not pose a
9 threat of invasion or spread of nonindige-
10 nous species in waters of the United
11 States, as designated by the Secretary; and

12 “(ii) to use environmentally sound al-
13 ternatives ballast water management meth-
14 ods, including modification of the vessel
15 ballast water tanks and intake systems, if
16 the Secretary determines that such alter-
17 native methods are in accordance with
18 standards and certification procedures pro-
19 mulgated under subsection (b)(1); and

20 “(B) on promulgation of final standards
21 and certification procedures under subsection
22 (b)(2) that are consistent with the standards
23 and certification procedures, to comply with all
24 of the requirements of this section.

1 “(5) CONSISTENCY WITH INTERNATIONAL
 2 AGREEMENTS.—The Secretary shall, with the con-
 3 currence of the Administrator, revise regulations
 4 promulgated under this subsection as necessary to
 5 ensure that the regulations relating to any matter
 6 are consistent with the treatment of the matter in
 7 any international agreements, to which the United
 8 States is a party, governing management of the
 9 transfer by vessel of aquatic nonindigenous species.

10 “(6) EDUCATION AND TECHNICAL ASSISTANCE
 11 PROGRAMS.—The Secretary may carry out education
 12 and technical assistance programs and other meas-
 13 ures to promote compliance with the regulations pro-
 14 mulgated under this subsection.

15 “(f) PERIODIC REVIEW AND REVISION OF REGULA-
 16 TIONS.—

17 “(1) IN GENERAL.—Not later than 3 years
 18 after the date of enactment of the National Aquatic
 19 Invasive Species Act of 2003, and not less often
 20 than every 3 years thereafter, the Secretary shall
 21 (with the concurrence of the Administrator, based on
 22 recommendations of the Task Force, and informa-
 23 tion collected and analyzed under this title and in
 24 accordance with criteria developed by the Task
 25 Force under paragraph (3))—

1 “(A) assess the compliance by vessels with
2 regulations promulgated under this section;

3 “(B) assess the effectiveness of the regula-
4 tions referred to in subparagraph (A) in reduc-
5 ing the introduction and spread of aquatic
6 invasive species by vessels; and

7 “(C) as necessary, on the basis of the best
8 scientific information available—

9 “(i) revise the regulations referred to
10 in subparagraph (A); and

11 “(ii) promulgate additional regula-
12 tions.

13 “(2) SPECIAL REVIEW AND REVISION.—Not
14 later than 90 days after the date on which the Task
15 Force makes a request to the Secretary for a special
16 review and revision of the Program, the Secretary
17 shall (with the concurrence of the Administrator)—

18 “(A) conduct a special review of regula-
19 tions in accordance with paragraph (1); and

20 “(B) as necessary, in the same manner as
21 provided under paragraph (1)(C)—

22 “(i) revise those guidelines; or

23 “(ii) promulgate additional regula-
24 tions.

1 “(3) CRITERIA FOR EFFECTIVENESS.—Not
2 later than 1 year after the date of enactment of the
3 National Aquatic Invasive Species Act of 2003, and
4 every 3 years thereafter, the Task Force shall sub-
5 mit to the Secretary criteria for determining the
6 adequacy and effectiveness of all regulations promul-
7 gated under this section.

8 “(g) SANCTIONS.—

9 “(1) CIVIL PENALTIES.—

10 “(A) IN GENERAL.—Any person that vio-
11 lates a regulation promulgated under this sec-
12 tion shall be liable for a civil penalty in an
13 amount not to exceed \$50,000.

14 “(B) SEPARATE VIOLATIONS.—Each day
15 of a continuing violation constitutes a separate
16 violation.

17 “(C) LIABILITY OF VESSELS.—A vessel op-
18 erated in violation of a regulation promulgated
19 under this Act shall be liable in rem for any
20 civil penalty assessed under this subsection for
21 that violation.

22 “(2) CRIMINAL PENALTIES.—Any person that
23 knowingly violates the regulations promulgated
24 under subsection (b) is guilty of a class C felony.

1 “(3) REVOCATION OF CLEARANCE.—On request
2 of the Secretary, the Secretary of the Treasury shall
3 withhold or revoke the clearance of a vessel required
4 by section 4197 of the Revised Statutes (46 U.S.C.
5 App. 91), if the owner or operator of that vessel is
6 in violation of the regulations promulgated under
7 subsection (b).

8 “(4) EXCEPTION TO SANCTIONS.—This sub-
9 section does not apply to a failure to exchange bal-
10 last water if—

11 “(A) the master of a vessel, acting in good
12 faith, decides that the exchange of ballast water
13 will threaten the safety or stability of the vessel
14 or the crew or passengers of the vessel; and

15 “(B) the vessel complies with—

16 “(i) recordkeeping requirements of
17 this Act;

18 “(ii) contingency requirements of sec-
19 tion 1211; and

20 “(iii) reporting requirements of this
21 Act.

22 “(h) COORDINATION WITH OTHER AGENCIES.—The
23 Secretary is encouraged to use (with consent) the exper-
24 tise, facilities, members, or personnel of, appropriate Fed-

1 eral and State agencies and organizations that have rou-
 2 tine contact with vessels, as determined by the Secretary.

3 “(i) CONSULTATION WITH CANADA, MEXICO, AND
 4 OTHER FOREIGN GOVERNMENTS.—In developing the
 5 guidelines issued and regulations promulgated under this
 6 section, the Secretary is encouraged to consult with the
 7 Government of Canada, the Government of Mexico, and
 8 any other government of a foreign country that the Sec-
 9 retary, in consultation with the Task Force, determines
 10 to be necessary to develop and implement an effective
 11 international program for preventing the unintentional in-
 12 troduction and spread of nonindigenous species.

13 “(j) INTERNATIONAL COOPERATION.—

14 “(1) IN GENERAL.—The Secretary, in coopera-
 15 tion with the International Maritime Organization of
 16 the United Nations and the Commission on Environ-
 17 mental Cooperation established pursuant to the
 18 North American Free Trade Agreement, is encour-
 19 aged to enter into negotiations with the governments
 20 of foreign countries to develop and implement an ef-
 21 fective international program for preventing the un-
 22 intentional introduction and spread of nonindigenous
 23 species.

24 “(2) SENSE OF CONGRESS ON INTERNATIONAL
 25 AGREEMENTS TO PROTECT AQUATIC ECOSYSTEMS

1 FROM SPECIES INTRODUCTIONS THROUGH BALLAST
2 WATER.—

3 “(A) FINDINGS.—Congress finds that—

4 “(i) the aquatic ecosystems of the
5 United States have been and continue to
6 be subject to permanent and costly damage
7 resulting from aquatic invasive species in-
8 troduced by ballast water of vessels enter-
9 ing United States ports;

10 “(ii) the United States is currently
11 engaged in international negotiation over
12 regulation of the ballast water of vessels to
13 prevent the introductions;

14 “(iii) this Act and the amendments
15 made by this Act establish a minimum ac-
16 ceptable domestic effort to protect aquatic
17 ecosystems of the United States from the
18 introduction of invasive species by the bal-
19 last water of vessels; and

20 “(iv) the programs established under
21 this Act and the amendments made by this
22 Act address the fundamental and legiti-
23 mate operational and safety concerns of
24 the maritime industry.

1 “(B) SENSE OF CONGRESS.—It is the
2 sense of Congress that the United States should
3 become party to an international agreement
4 that relates to the protection of aquatic eco-
5 systems from the introduction of invasive spe-
6 cies by the ballast water of vessels only if the
7 agreement is at least as protective of the aquat-
8 ic ecosystems as this Act and the amendments
9 made by this Act.

10 “(k) SAFETY EXEMPTION.—

11 “(1) MASTER DISCRETION.—The Master of a
12 vessel is not required to conduct a ballast water ex-
13 change if the Master determines that the exchange
14 would threaten the safety or stability of the vessel,
15 or the crew or passengers of the vessel, because of
16 adverse weather, vessel architectural design, equip-
17 ment failure, or any other extraordinary conditions.

18 “(2) OTHER REQUIREMENTS.—A vessel that
19 does not exchange ballast water on the high seas
20 under paragraph (1) shall not discharge ballast
21 water in any harbor, except in accordance with a
22 contingency strategy approved by the Secretary (and
23 included in the invasive species management plan of
24 the vessel) to reduce the risk of organism transfer
25 by the discharge (using the best practicable tech-

1 nology and practices pursuant to regulations promul-
2 gated under subsection (b)(1)(B)(iii)).

3 “(l) NON-DISCRIMINATION.—The Secretary shall en-
4 sure that vessels registered outside of the United States
5 do not receive more favorable treatment than vessels reg-
6 istered in the United States in any case in which the Sec-
7 retary performs studies, reviews compliance, determines
8 effectiveness, establishes requirements, or performs any
9 other responsibilities under this Act.

10 “(m) EFFECT ON OTHER LAW.—Nothing in this sec-
11 tion or any regulation promulgated under this section su-
12 persedes or otherwise affects any requirement or prohibi-
13 tion relating to the discharge of ballast water under the
14 Federal Water Pollution Control Act (33 U.S.C. 1251 et
15 seq.).”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 1102(c)(1) of the Nonindigenous
18 Aquatic Nuisance Prevention and Control Act of
19 1990 (16 U.S.C. 4712(c)(1)) is amended by striking
20 “issued under section 1101(b)” and inserting “pro-
21 mulgated under section 1101(e)”.

22 (2) Section 1102(f)(1)(B) of the Nonindigenous
23 Aquatic Nuisance Prevention and Control Act of
24 1990 (16 U.S.C. 4712(f)(1)(B)) is amended by
25 striking “guidelines issued pursuant to section

1 1101(c)” and inserting “regulations promulgated
2 under section 1101(e)”.

3 **SEC. 102. ARMED SERVICES WHOLE VESSEL MANAGEMENT**
4 **PROGRAM.**

5 Section 1103 of the Nonindigenous Aquatic Nuisance
6 Prevention and Control Act of 1990 (16 U.S.C. 4713) is
7 amended—

8 (1) by striking the section heading and insert-
9 ing the following:

10 **“SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-**
11 **MENT PROGRAM.”;**

12 and

13 (2) in subsection (a)—

14 (A) by striking “Subject to” and inserting
15 the following:

16 “(1) BALLAST WATER.—Subject to”; and

17 (B) by adding at the end the following:

18 “(2) TOWED VESSEL MANAGEMENT PRO-
19 GRAM.—

20 “(A) IN GENERAL.—Subject to operational
21 conditions, the Secretary of Defense, in con-
22 sultation with the Secretary, the Task Force,
23 and the International Maritime Organization,
24 shall implement a towed vessel management
25 program for Department of Defense vessels to

1 minimize the risk of introductions of aquatic
 2 invasive species through hull and associated hull
 3 aperture transfers by towed vessels.

4 “(B) CURRENT BALLAST PROGRAM.—Ex-
 5 cept as provided in subparagraph (A), this Act
 6 does not affect the ballast program for Depart-
 7 ment of Defense vessels in effect on the date of
 8 enactment of the National Aquatic Invasive
 9 Species Act of 2003.

10 “(3) REPORTS.—Not later than 3 years after
 11 the date of enactment of the National Aquatic
 12 Invasive Species Act of 2003, and every 3 years
 13 thereafter, the Secretary of Defense shall submit to
 14 Congress a report that includes a summary and
 15 analysis of the program carried out under this sec-
 16 tion.”.

17 **TITLE II—PREVENTION OF IN-**
 18 **TRODUCTION OF AQUATIC**
 19 **INVASIVE SPECIES BY OTHER**
 20 **PATHWAYS**

21 **SEC. 201. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

22 Subtitle C of title I of the Nonindigenous Aquatic
 23 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
 24 4721 et seq.) is amended by adding at the end the fol-
 25 lowing:

1 **“SEC. 1210. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

2 “(a) IDENTIFICATION OF HIGH PRIORITY PATH-
3 WAYS.—Not later than 2 years after the date of enactment
4 of the National Aquatic Invasive Species Act of 2003, and
5 every 3 years thereafter, the Task Force, in coordination
6 with the Invasive Species Council and in consultation with
7 representatives of States, industry, and other interested
8 parties, shall, based on pathway surveys conducted under
9 this title and other available research relating to the rates
10 of introductions in waters of the United States—

11 “(1) identify those pathways that pose the high-
12 est risk for introductions, both nationally and on a
13 region-by-region basis, unless further managed;

14 “(2) develop recommendations for management
15 strategies for those high-risk pathways;

16 “(3) include in the report to Congress required
17 under section 1201(f)(2)(B) a description of the
18 identifications, strategies, and recommendations
19 based on research collected under this title; and

20 “(4) identify invasive species not yet introduced
21 into waters of the United States that are likely to
22 be introduced into waters of the United States un-
23 less preventative measures are taken.

24 “(b) MANAGEMENT OF HIGH PRIORITY PATH-
25 WAYS.—Not later than 3 years after the date of enactment
26 of the National Aquatic Invasive Species Act of 2003, the

1 Task Force or agencies of jurisdiction shall, to the max-
 2 imum extent practicable, implement the strategies de-
 3 scribed in subsection (a)(2), considering appropriate peri-
 4 odic updates to the strategies.”.

5 **SEC. 202. SCREENING PROCESS FOR PLANNED IMPORTA-**
 6 **TIONS OF LIVE AQUATIC ORGANISMS.**

7 Subtitle B of the Nonindigenous Aquatic Nuisance
 8 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
 9 seq.) is amended by adding at the end the following:

10 **“SEC. 1105. SCREENING PROCESS FOR PLANNED IMPORTA-**
 11 **TIONS OF LIVE AQUATIC ORGANISMS.**

12 “(a) IN GENERAL.—Not later than 3 years after the
 13 date of enactment of the National Aquatic Invasive Spe-
 14 cies Act of 2003, no live aquatic organism not in trade
 15 shall be imported into the United States without screening
 16 and approval in accordance with subsections (c) and (d).

17 “(b) GUIDELINES.—

18 “(1) IN GENERAL.—Not later than 30 months
 19 after the date of enactment of the National Aquatic
 20 Invasive Species Act of 2003, in consultation with
 21 regional panels convened under section 1203, States,
 22 tribes, and other stakeholders, the Invasive Species
 23 Council (in conjunction with the Task Force) shall
 24 promulgate guidelines for screening proposed

1 planned importations of live aquatic organisms into
2 the United States that include—

3 “(A) guidelines for minimum information
4 requirements for determinations under sub-
5 section (c); and

6 “(B) guidelines for a simplified notification
7 procedure for any additional shipments of orga-
8 nisms that may occur after completion of an
9 initial screening process and determination
10 under subsection (c).

11 “(2) PURPOSE.—The purpose of the screening
12 process shall be to prevent the introduction or estab-
13 lishment of aquatic invasive species (including patho-
14 gens and parasites of the species) in waters of the
15 United States and contiguous waters of Canada and
16 Mexico.

17 “(3) FACTORS.—In developing guidelines under
18 this subsection and reviewing and revising the guide-
19 lines under subsection (j), the Invasive Species
20 Council and the Task Force shall consider—

21 “(A) the likelihood of the spread of orga-
22 nisms by human or natural means;

23 “(B) organisms that may occur in associa-
24 tion with the organism planned for importation

1 including pathogens, parasites, and free-living
2 organisms;

3 “(C) regional differences in probability of
4 invasion and associated impacts;

5 “(D) the difficulty of controlling an estab-
6 lished population of an aquatic invasive species
7 in the wild; and

8 “(E) the profile established under section
9 1108(b).

10 “(c) CATEGORIES.—The screening process shall—

11 “(1) require the identification, to the maximum
12 extent practicable, to the species level and, at a min-
13 imum, to the genus level, of live aquatic organisms;
14 and

15 “(2) designate—

16 “(A) species with high or moderate prob-
17 ability of undesirable impacts to areas within
18 the boundaries of the United States and contig-
19 uous areas of neighboring countries, to which
20 the organism is likely to spread; and

21 “(B) species with insufficient information
22 to determine the risk category based on guide-
23 lines issued pursuant to subsection (b)(1)(B).

24 “(d) EVALUATION.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of promulgation of guidelines under
3 subsection (b), in consultation with regional panels
4 convened under section 1203, States, tribes, and
5 other stakeholders, a Federal agency with authority
6 over an importation into the United States of a live
7 organism not in trade and proposed for importation
8 into the United States shall screen the organism in
9 accordance with guidelines promulgated under sub-
10 section (b).

11 “(2) DELEGATION AND AUTHORITY.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), if no agency has authority described
14 in paragraph (1) or an agency delegates the
15 screening to the Director under subsection (h),
16 the Director shall screen the organisms in ac-
17 cordance with subsections (a) and (b).

18 “(B) UNITED STATES FISH AND WILDLIFE
19 SERVICE.—The Director may restrict or pro-
20 hibit the importation of an organism in trade
21 if—

22 “(i) no other Federal agency has au-
23 thority to regulate the importation of the
24 organism in trade; and

1 “(ii) the Director determines, based
2 on an evaluation that is consistent with the
3 screening requirements promulgated under
4 subsection (g), that the organism in trade
5 has a high or moderate probability of an
6 undesirable impact to an area within the
7 boundaries of the United States or a con-
8 tiguous area of a neighboring country, to
9 which the organism may spread.

10 “(3) MULTIPLE JURISDICTION.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), if more than 1 agency has jurisdic-
13 tion over the importation of a live organism, the
14 agencies shall conduct only 1 screening process
15 in accordance with the memorandum of under-
16 standing described in subsection (f) (in con-
17 sultation with National Oceanic and Atmos-
18 pheric Administrator).

19 “(B) CULTURED AQUATIC ORGANISMS.—

20 The Secretary of Agriculture shall conduct
21 screening of organisms imported to be cultured.

22 “(e) REQUIREMENTS.—A Federal agency of jurisdic-
23 tion, or the Director shall—

1 “(1) restrict or prohibit the importation into
 2 the United States from outside the United States of
 3 any species that is described in subsection (c)(1);

4 “(2) prohibit the importation of any species de-
 5 scribed in subsection (c)(2), unless the importation
 6 is for the sole purpose of research that is conducted
 7 in accordance with section 1202(f)(2); and

8 “(3) make a determination under this sub-
 9 section not later than 180 days after receiving a
 10 complete request for permission to import a live
 11 aquatic species.

12 “(f) MEMORANDUM OF UNDERSTANDING.—

13 “(1) IN GENERAL.—The Director of the United
 14 States Fish and Wildlife Service shall enter into a
 15 memorandum of understanding with the agencies of
 16 jurisdiction regarding the screening requirements of
 17 this section.

18 “(2) CONTENTS.—The memorandum of under-
 19 standing shall contain, at a minimum—

20 “(A) a description of the relationship be-
 21 tween and responsibilities of the agencies of ju-
 22 risdiction, including a process designating a
 23 lead agency in cases in which multiple agencies
 24 may have jurisdiction over the screening of an
 25 aquatic species;

1 “(B) the process by which the Director will
2 delegate screening duties to and receive delega-
3 tion from other agencies of jurisdiction; and

4 “(C) the process by which agencies of ju-
5 risdiction and the Invasive Species Council will
6 coordinate and share information required for
7 the screening of species.

8 “(g) SCREENING REQUIREMENTS.—The Director
9 shall promulgate screening requirements consistent with
10 the guidelines promulgated under subsection (b) to evalu-
11 ate any planned live aquatic species importation (including
12 an importation carried out by a Federal agency) from out-
13 side the borders of the United States into waters of the
14 United States that is—

15 “(1) not otherwise subject to Federal authority
16 to permit the importation; or

17 “(2) delegated to the Director by another agen-
18 cy of jurisdiction under subsection (h).

19 “(h) DELEGATION TO DIRECTOR.—Any agency with
20 authority over the planned importation of a live aquatic
21 organism may delegate to the Director the screening proc-
22 ess carried out under this section.

23 “(i) CATALOG OF ORGANISMS IN TRADE.—Not later
24 than 1 year after the date of enactment of the National
25 Aquatic Invasive Species Act of 2003, the Director of the

1 United States Geological Survey and the Director of the
2 Smithsonian Environmental Research Center, in coopera-
3 tion with agencies with jurisdiction over planned importa-
4 tions of live organisms, shall—

5 “(1) develop and, as necessary, update a cata-
6 log of organisms in trade; and

7 “(2) include the list in the information provided
8 to the public pursuant to section 1102(f).

9 “(j) REVIEW AND REVISION.—

10 “(1) IN GENERAL.—At least once every 3 years,
11 the Council, in conjunction with the Task Force,
12 shall use research on early detection and monitoring
13 under section 1106, among other information
14 sources, to review and revise to the screening, guide-
15 lines, and process carried out under this section.

16 “(2) REPORT.—The Invasive Species Council
17 shall include in its report to Congress required pur-
18 suant to section 1201(f)(2)(B)—

19 “(A) an evaluation of the effectiveness of
20 the screening processes carried out under this
21 section;

22 “(B) the consistency of the application of
23 the screening process by agencies; and

24 “(C) recommendations for revisions of the
25 processes.

1 “(k) PROHIBITIONS.—

2 “(1) IN GENERAL.—It shall be unlawful to im-
3 port an organism described in subsection (d), (e), or
4 (g).

5 “(2) PENALTIES.—

6 “(A) CIVIL PENALTY.—Any person that
7 violates paragraph (1) shall be liable for a civil
8 penalty in an amount not to exceed \$50,000.

9 “(B) CRIMINAL PENALTIES.—Any person
10 that knowingly violates paragraph (1) is guilty
11 of a class C felony.

12 “(l) FEES.—The head of any agency that has juris-
13 diction over a planned importation of a live organism sub-
14 ject to screening under this Act may increase the amount
15 of any appropriate fee that is charged under an authority
16 of law to offset the cost of any screening process carried
17 out under this section.

18 “(m) INFORMATION.—A Federal agency conducting
19 a screening process under this section shall make the re-
20 sults of the process available to the public (including inter-
21 national organizations).

22 “(n) EFFECT ON OTHER LAWS.—Nothing in this sec-
23 tion or any regulation promulgated under this section su-
24 persedes or otherwise affects any other provision of Fed-
25 eral or State law.”.

1 **TITLE III—EARLY DETECTION;**
2 **RAPID RESPONSE; CONTROL**
3 **AND OUTREACH**

4 **SEC. 301. EARLY DETECTION.**

5 Subtitle B of the Nonindigenous Aquatic Nuisance
6 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
7 seq.) (as amended by section 202) is amended by adding
8 at the end the following:

9 **“SEC. 1106. EARLY DETECTION AND MONITORING.**

10 “(a) IN GENERAL.—Not later than 18 months after
11 the date of enactment of the National Aquatic Invasive
12 Species Act of 2003, in conjunction with the Council, the
13 Task Force shall (based on the standard protocol for early
14 detection surveys developed under this title), promulgate
15 a set of sampling protocols, a geographic plan, and budget
16 to support a national system of ecological surveys to rap-
17 idly detect recently-established aquatic invasive species in
18 waters of the United States.

19 “(b) CONTENTS.—The protocols, plan, and budget
20 shall, at a minimum—

21 “(1) address a diversity of aquatic ecosystems
22 of the United States (including inland and coastal
23 waters);

24 “(2) encourage State, local, port, and tribal
25 participation in monitoring;

1 “(3) balance scientific rigor with practicability,
2 timeliness, and breadth of sampling activity;

3 “(4) considers the pathways and organisms
4 identified under section 1210;

5 “(5) include a capacity to evaluate the impacts
6 of permitted importations screened by the processes
7 established under section 1105; and

8 “(6) include clear lines of communication with
9 appropriate Federal, State, and regional rapid re-
10 sponse authorities.

11 “(c) IMPLEMENTATION.—Not later than 3 years after
12 the date of enactment of the National Aquatic Invasive
13 Species Act of 2003, the Director of the United States
14 Geological Survey, the Administrator of the National Oce-
15 anic and Atmospheric Administration, and the Adminis-
16 trator (in consultation with the Invasive Species Council
17 and in coordination with other agencies and organizations)
18 shall implement a national system of ecological surveys
19 that is—

20 “(1) carried out in cooperation with State,
21 local, port, tribal authorities, and other non-Federal
22 entities (such as colleges and universities); and

23 “(2) based on the protocols, plan, and budget
24 published under subsection (a) and any public com-
25 ment.”.

1 **SEC. 302. RAPID RESPONSE.**

2 Subtitle C of title I of the Nonindigenous Aquatic
3 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
4 4721 et seq.) (as amended by section 201) is amended
5 by adding at the end the following:

6 **“SEC. 1211. RAPID RESPONSE.**

7 “(a) STATE RAPID RESPONSE CONTINGENCY STRAT-
8 EGIES.—

9 “(1) EMERGENCY FUNDS FOR RAPID RE-
10 SPONSE.—A State or multistate commission that has
11 in effect a rapid response contingency strategy, in-
12 cluding rapid assessment capability, for invasive spe-
13 cies in the State that is approved under paragraph
14 (2) shall be eligible to receive emergency funding to
15 remain available until expended to implement rapid
16 response measures for aquatic invasive species under
17 the strategy, subject to renewal, as determined by
18 the Secretary of the Interior and the Secretary in
19 accordance with paragraph (2).

20 “(2) APPROVAL OF RAPID RESPONSE CONTIN-
21 GENCY STRATEGIES.—The Task Force, in consulta-
22 tion with the Invasive Species Council, shall approve
23 a rapid response contingency strategy of a State or
24 multistate commission described in paragraph (1) if
25 the strategy—

1 “(A) identifies all key governmental and
2 nongovernmental partners to be involved in car-
3 rying out the strategy;

4 “(B) clearly designates the authorities and
5 responsibilities of each partner, including the
6 authority of any State or government of an In-
7 dian tribe to distribute emergency funds;

8 “(C) specifies criteria for rapid response
9 measures, including a diagnostic system that—

10 “(i) distinguishes cases in which rapid
11 response has a likelihood of success and
12 cases in which rapid response has no likeli-
13 hood of success;

14 “(ii) distinguishes rapid response
15 measures from ongoing management and
16 control of established populations of aquat-
17 ic invasive species; and

18 “(iii) distinguishes instances in which
19 the rate and probability of organism dis-
20 persal is significantly altered by vessel
21 movements;

22 “(D) includes an early detection strategy
23 that supports or complements the early detec-
24 tion and monitoring system developed under
25 section 1108;

1 “(E) provides for a monitoring capability
2 to assess—

3 “(i) the extent of infestations; and

4 “(ii) the effectiveness of rapid re-
5 sponse efforts;

6 “(F) to the maximum extent practicable, is
7 integrated into the State aquatic invasive spe-
8 cies management plan approved under section
9 1204;

10 “(G) to the maximum extent practicable,
11 includes rapid response tools that meet environ-
12 mental criteria developed under subsection
13 (e)(4);

14 “(H) includes a public education and out-
15 reach component directed at—

16 “(i) potential pathways for spread of
17 aquatic invasive species; and

18 “(ii) persons involved in industries
19 and recreational activities associated with
20 those pathways; and

21 “(I) to the extent that the strategy involves
22 vessels, conforms with guidelines issued by the
23 Secretary under subsection (c)(2).

24 “(b) REGIONAL RAPID RESPONSE CONTINGENCY
25 STRATEGIES.—The Task Force, with the concurrence of

1 the Invasive Species Council and in consultation with the
 2 regional panels of the Task Force established under sec-
 3 tion 1203, shall encourage the development of regional
 4 rapid response contingency strategies that—

5 “(1) provide a consistent and coordinated ap-
 6 proach to rapid response; and

7 “(2) are approved by—

8 “(A) the Secretary; and

9 “(B) the Governors and Indian tribes hav-
 10 ing jurisdiction over areas within a region.

11 “(c) MODEL RAPID RESPONSE CONTINGENCY
 12 STRATEGIES.—Not later than 18 months after the date
 13 of enactment of the National Aquatic Invasive Species Act
 14 of 2003—

15 “(1) the Task Force, with the concurrence of
 16 the Invasive Species Council and the regional panels
 17 of the Task Force established under section 1203,
 18 shall develop—

19 “(A) a model State rapid response contin-
 20 gency strategy (including rapid assessment ca-
 21 pability) for aquatic invasive species that meets,
 22 to the maximum extent practicable, the require-
 23 ments of subparagraphs (A) through (H) of
 24 subsection (a)(2); and

1 “(B) a model regional rapid response con-
 2 tingency strategy (including rapid assessment
 3 capability) for aquatic invasive species; and

4 “(2) the Secretary, in concurrence with the
 5 Task Force and the regional panels of the Task
 6 Force, shall issue guidelines that describe vessel-re-
 7 lated requirements that may be used in a rapid re-
 8 sponse contingency strategy approved under this sec-
 9 tion.

10 “(d) COST SHARING.—

11 “(1) STATE RAPID RESPONSE CONTINGENCY
 12 STRATEGIES.—The Federal share of the cost of ac-
 13 tivities carried out under a State rapid response con-
 14 tingency strategy approved under subsection (a)
 15 shall be not less than 50 percent.

16 “(2) REGIONAL RAPID RESPONSE CONTINGENCY
 17 STRATEGIES.—The Federal share of the cost of ac-
 18 tivities carried out under a regional rapid response
 19 contingency strategy approved under subsection (b)
 20 shall be not less than 75 percent.

21 “(e) FEDERAL RAPID RESPONSE TEAMS.—

22 “(1) ESTABLISHMENT OF TEAMS.—Not later
 23 than 1 year after the date of enactment of the Na-
 24 tional Aquatic Invasive Species Act of 2003, the
 25 Invasive Species Council, in coordination with the

1 Task Force and the heads of appropriate Federal
2 agencies, shall establish a Federal rapid response
3 team for each of the 10 Federal regions that com-
4 prise the Standard Federal Regional Boundary Sys-
5 tem.

6 “(2) DUTIES OF TEAMS.—Each Federal rapid
7 response team shall, at a minimum—

8 “(A) implement rapid eradication or con-
9 trol responses for newly detected aquatic
10 invasive species on Federal and tribal land;

11 “(B) carry out, or assist in carrying out,
12 rapid responses for newly detected aquatic
13 invasive species on non-Federal land at the re-
14 quest of a State, Indian tribe, or group of
15 States or Indian tribes, with a rapid response
16 contingency strategy approved under subsection
17 (a) or (b);

18 “(C) provide training and expertise for
19 State, tribal, or regional rapid responders;

20 “(D) provide central sources of informa-
21 tion for rapid responders;

22 “(E) maintain a list of researchers and
23 rapid response volunteers; and

24 “(F) in carrying out any rapid response
25 activity with respect to an aquatic noxious weed

1 listed under section 412(f) of the Plant Protec-
2 tion Act (7 U.S.C. 7712(f)), include representa-
3 tives of the Animal and Plant Health Inspection
4 Service.

5 “(3) CRITERIA FOR IDENTIFYING CASES OF
6 RAPID RESPONSE WARRANTING FEDERAL ASSIST-
7 ANCE.—Not later than 1 year after the date of en-
8 actment of the National Aquatic Invasive Species
9 Act of 2003, the Task Force, with the concurrence
10 of the Invasive Species Council, shall develop criteria
11 to identify cases warranting Federal assistance for
12 rapid assessment and response under this sub-
13 section, including indicative criteria relating to, at a
14 minimum—

15 “(A) the extent to which infestations of
16 aquatic invasive species may be managed suc-
17 cessfully by rapid response;

18 “(B) the extent to which rapid response ef-
19 forts may differ from ongoing management and
20 control; and

21 “(C) the extent to which infestations of
22 nonindigenous aquatic invasive species are con-
23 sidered to be an acute or chronic threat to—

24 “(i) biodiversity of native aquatic or-
25 ganisms;

1 “(ii) habitats of native fish and wild-
 2 life; or

3 “(iii) human health.

4 “(4) ENVIRONMENTAL CRITERIA.—Not later
 5 than 1 year after the date of enactment of the Na-
 6 tional Aquatic Invasive Species Act of 2003, the Ad-
 7 ministrator, in consultation with the Invasive Spe-
 8 cies Council, the Secretary of Transportation, the
 9 Task Force (including regional panels of the Task
 10 Force established under section 1203), the Director,
 11 and the Director of the National Marine Fisheries
 12 Service, shall develop environmental criteria to mini-
 13 mize nontarget environmental impacts of rapid re-
 14 sponses carried out pursuant to this section.”.

15 **SEC. 303. DISPERSAL BARRIERS.**

16 Section 1202 of the Nonindigenous Aquatic Nuisance
 17 Prevention and Control Act of 1990 (16 U.S.C. 4722) is
 18 amended—

19 (1) by redesignating subsections (j) and (k) as
 20 subsections (l) and (m), respectively; and

21 (2) by inserting after subsection (i) the fol-
 22 lowing:

23 “(j) NATIONAL DISPERSAL BARRIER PROGRAM.—

24 “(1) CHICAGO RIVER SHIP AND SANITARY
 25 CANAL DISPERSAL BARRIER PROJECT.—

1 “(A) IN GENERAL.—The Assistant Sec-
 2 retary, with the concurrence of the Adminis-
 3 trator, shall complete construction of, operate,
 4 repair, and maintain, the Chicago River Ship
 5 and Sanitary Canal dispersal barrier project on
 6 a permanent basis.

7 “(B) CONSULTATION.—Subparagraph (A)
 8 shall be carried out in consultation with the ap-
 9 propriate Federal, State, local, and other non-
 10 governmental entities.

11 “(C) CONSTRUCTION OF BARRIER.—The
 12 completed barrier project shall include—

13 “(i) additions to the dispersal barrier
 14 in existence on the date of enactment of
 15 the National Aquatic Invasive Species Act
 16 of 2003, including—

17 “(I) backup power;

18 “(II) a research vessel launching
 19 crane;

20 “(III) replacement electrodes;

21 “(IV) other barrier elements, as
 22 available and appropriate;

23 “(V) an acoustic monitoring sys-
 24 tem; and

1 “(VI) emergency egress system;
2 and

3 “(ii) construction of a second long-
4 service life dispersal barrier.

5 “(D) FEASIBILITY STUDY OF CHICAGO
6 RIVER SHIP AND SANITARY CANAL.—

7 “(i) IN GENERAL.—Not later than 3
8 years after the date of enactment of the
9 National Aquatic Invasive Species Act of
10 2003, the Assistant Secretary, in consulta-
11 tion with appropriate Federal, State, local,
12 and non-governmental entities, shall con-
13 duct a feasibility study of the full range of
14 options available to prevent the spread of
15 aquatic invasive species through the Chi-
16 cago River Ship and Sanitary Canal dis-
17 persal barrier.

18 “(ii) MATTERS TO BE STUDIED.—The
19 study shall—

20 “(I) provide recommendations
21 concerning additional measures and
22 long-term measures necessary to im-
23 prove the performance of the Chicago
24 River Ship and Sanitary Canal dis-
25 persal barrier; and

1 “(II) examine methods and meas-
 2 ures necessary to achieve, to the max-
 3 imum extent practicable—

4 “(aa) 100 percent efficacy of
 5 the barrier with respect to aquat-
 6 ic invasive species of fish; and

7 “(bb) maximum efficacy of
 8 the barrier with respect to other
 9 taxa of aquatic invasive species.

10 “(E) REIMBURSEMENT.—The State of Illi-
 11 nois shall be reimbursed for all State funds ex-
 12 pended on the planning, design, construction,
 13 and operation and maintenance of the project
 14 identified, along with any subsequent modifica-
 15 tions, in the report entitled ‘Aquatic Nuisance
 16 Species Dispersal Barrier II’, dated December
 17 2002, issued under section 1135 of the Water
 18 Resources Development Act of 1986 (33 U.S.C.
 19 2294 note; 100 Stat. 4251).

20 “(2) MONITORING PROGRAM.—

21 “(A) ESTABLISHMENT.—Not later than 1
 22 year after the date of enactment of the Na-
 23 tional Aquatic Invasive Species Act of 2003, the
 24 Secretary of the Interior shall establish an
 25 interbasin and intrabasin monitoring program.

1 “(B) REQUIRED ELEMENTS.—The moni-
2 toring program shall—

3 “(i) track aquatic invasive species
4 moving through—

5 “(I) the Chicago River Ship and
6 Sanitary Canal;

7 “(II) the Lake Champlain Canal;

8 “(III) other interbasin water-
9 ways; and

10 “(IV) major river systems (such
11 as the Mississippi River), as rec-
12 ommended by regional panels con-
13 vened under section 1203, in which
14 interbasin transfers of aquatic
15 invasive species have been shown to
16 pose a significant threat to fish and
17 wildlife resources;

18 “(ii) assess the efficacy of dispersal
19 barriers and other measures in preventing
20 the spread of aquatic invasive species
21 through the waterways; and

22 “(iii) identify waterways suitable for
23 dispersal barrier demonstration projects, in
24 addition to the waterways at which dis-
25 persal barrier demonstration projects were

1 carried out before the date of enactment of
2 the National Aquatic Invasive Species Act
3 of 2003.

4 “(C) REPORTS.—The Secretary of the In-
5 terior shall issue biennial reports describing the
6 findings of the monitoring program.

7 “(3) PREVENTION AND MITIGATION PLANS FOR
8 CORPS PROJECTS.—In developing projects involving
9 interbasin waterways or other hydrologic alterations
10 that could create pathways for aquatic invasive spe-
11 cies, the Assistant Secretary shall develop adequate
12 prevention and mitigation plans for controlling the
13 dispersal of the aquatic invasive species.

14 “(4) TECHNICAL ASSISTANCE.—The Adminis-
15 trator of the National Oceanic and Atmospheric Ad-
16 ministration, acting through the Great Lakes Envi-
17 ronmental Research Laboratory, shall provide tech-
18 nical assistance to appropriate entities to assist in
19 the research conducted under this subsection.

20 “(5) ADDITIONAL WATERWAYS.—The Assistant
21 Secretary, with the concurrence of the Adminis-
22 trator, and other relevant Federal agencies, shall—

23 “(A) identify additional waterways suitable
24 for the construction of new dispersal barriers

1 (based on the monitoring program established
2 under paragraph (2));

3 “(B) determine the feasibility of a dis-
4 persal barrier project at the Lake Champlain
5 Canal and, if feasible, establish a plan for a dis-
6 persal barrier at the Lake Champlain Canal;
7 and

8 “(C) construct, maintain, and operate such
9 dispersal barriers as necessary.

10 “(6) REPORTS.—Not later than 3 years after
11 the date of enactment of the National Aquatic
12 Invasive Species Act of 2003, the Assistant Sec-
13 retary and the Director shall jointly submit to Con-
14 gress a report that describes—

15 “(A) the efficacy of the Chicago River Ship
16 and Sanitary Canal dispersal barrier project;
17 and

18 “(B) a plan to provide for additional dis-
19 persal barrier demonstration projects and re-
20 lated research projects.”.

21 **SEC. 304. ENVIRONMENTAL SOUNDNESS.**

22 Section 1202 of the Nonindigenous Aquatic Nuisance
23 Prevention and Control Act of 1990 (16 U.S.C. 4722) (as
24 amended by section 303) is amended by inserting after
25 subsection (j) the following:

1 “(k) IMPROVEMENT OF TREATMENT METHODS FOR
2 AQUATIC INVASIVE SPECIES.—

3 “(1) CRITERIA TO EVALUATE ENVIRONMENTAL
4 SOUNDNESS OF TREATMENT METHODS.—

5 “(A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of the National
7 Aquatic Invasive Species Act of 2003, the Ad-
8 ministrator, in consultation with the Secretary,
9 the Invasive Species Council, and the Task
10 Force (including any regional panels of the
11 Task Force) shall promulgate criteria to evalu-
12 ate the treatment methods described in sub-
13 paragraph (B) for the purpose of ensuring that
14 the treatment methods pose no significant
15 threat of adverse effect on human health, public
16 safety, or the environment (including air quality
17 and the aquatic environment) that is acute,
18 chronic, cumulative, or collective.

19 “(B) TREATMENT METHODS.—The treat-
20 ment methods referred to in subparagraph (A)
21 are all chemical, biological, and other treatment
22 methods used in bodies of water of the United
23 States (regardless of whether the bodies of
24 water are navigable and regardless of the origin

1 of the waters), to prevent, treat, or respond to
 2 the introduction of aquatic invasive species.

3 “(C) CONSULTATION.—In carrying out
 4 subparagraph (A), the Administrator shall con-
 5 sult with—

6 “(i) the Secretary of Transportation;

7 “(ii) the Task Force (including the re-
 8 gional panels of the Task Force established
 9 under section 1203);

10 “(iii) the Director;

11 “(iv) the Assistant Secretary;

12 “(v) the Director of the National Ma-
 13 rine Fisheries Service; and

14 “(vi) relevant State agencies.

15 “(2) PUBLICATION OF INFORMATION ON ENVI-
 16 RONMENTALLY SOUND TREATMENT METHODS.—The
 17 Administrator, in consultation with the Invasive Spe-
 18 cies Council, shall publish (not later than 1 year
 19 after the date of enactment of the National Aquatic
 20 Invasive Species Act of 2003) and update annu-
 21 ally—

22 “(A) a list of environmentally sound treat-
 23 ment methods that may apply to a potential
 24 aquatic invasive species response effort;

1 “(B) accompanying research that supports
 2 the environmental soundness of each approved
 3 treatment method; and

4 “(C) explicit guidelines under which each
 5 treatment method can be used in an environ-
 6 mentally sound manner.

7 “(3) REPORTS.—The Invasive Species Council
 8 and Task Force shall include the information de-
 9 scribed in paragraph (2) in the reports submitted
 10 under section 1201(f)(2)(B).”.

11 **SEC. 305. SPECIFIC INVASIVE SPECIES CONTROL PRO-**
 12 **GRAMS.**

13 (a) BROWN TREE SNAKE CONTROL PROGRAM.—Sec-
 14 tion 1209 of the Nonindigenous Aquatic Nuisance Preven-
 15 tion and Control Act of 1990 (16 U.S.C. 4728) is amend-
 16 ed to read as follows:

17 **“SEC. 1209. BROWN TREE SNAKE CONTROL PROGRAM.**

18 “(a) IN GENERAL.—The Task Force and the
 19 Invasive Species Council shall support the continuation
 20 and expansion of a regionally-based comprehensive, envi-
 21 ronmentally sound program, conducted in coordination
 22 with territories and possessions of the United States,
 23 States, and political subdivisions, to control the brown tree
 24 snake on Guam, the Commonwealth of the Northern Mar-
 25 iana Islands, the State of Hawaii, and other areas in

1 which the brown tree snake is, or may become, established
2 outside of the historic range of the brown tree snake.

3 “(b) COMPONENTS.—The program shall include—

4 “(1) the expansion of Federal and territorial
5 control programs on Guam that reduce the undesir-
6 able impact of the brown tree snake on Guam and
7 reduce the risk of spread to areas in which the snake
8 is not established;

9 “(2) the expansion of existing control programs
10 in the Commonwealth of the Northern Mariana Is-
11 lands and the State of Hawaii, including the estab-
12 lishment of interagency rapid response teams to as-
13 sist local governments with detecting brown tree
14 snakes and incipient brown tree snake populations in
15 areas in which brown tree snakes are not estab-
16 lished;

17 “(3) product-oriented research based on control
18 program needs, including projects to reduce the
19 number of brown tree snakes on Guam and an anal-
20 ysis of pathways for brown tree snake introduction
21 into areas in which the species is not established;

22 “(4) the appointment of a coordinator by the
23 Invasive Species Council to provide oversight and di-
24 rection over Federal actions dealing with brown tree
25 snake control; and

1 “(5) the continuation of the Brown Tree Snake
2 Control Committee, which shall—

3 “(A) be chaired by the coordinator; and

4 “(B) meet annually to plan and coordinate
5 ongoing brown tree snake control activities on
6 a regional and national level.”.

7 (b) NATIONAL NUTRIA CONTROL PROGRAM.—Sub-
8 title C of title I of the Nonindigenous Aquatic Nuisance
9 Prevention and Control Act of 1990 (16 U.S.C. 4721 et
10 seq.) (as amended by section 302) is amended by adding
11 at the end the following:

12 **“SEC. 1212. NATIONAL NUTRIA CONTROL PROGRAM.**

13 “(a) IN GENERAL.—Not later than 180 days after
14 the date of enactment of the National Aquatic Invasive
15 Species Act of 2003, the Task Force shall establish a na-
16 tional subcommittee on nutria composed of representatives
17 of—

18 “(1) the United States Fish and Wildlife Serv-
19 ice;

20 “(2) the United States Geological Survey;

21 “(3) State fish and wildlife agencies in States
22 affected by nutria; and

23 “(4) nonprofit and commercial interests in nu-
24 tria and the impact of nutria on native habitat and
25 species.

1 “(b) PROPOSAL FOR NUTRIA CONTROL.—Not later
2 than 1 year after the date of enactment of the National
3 Aquatic Invasive Species Act of 2003, the subcommittee
4 shall—

5 “(1) report to the Task Force on actions taken
6 to carry out this section;

7 “(2) draft a proposal for—

8 “(A) nutria control guidelines; and

9 “(B) support, criteria, and processes for
10 grants to promote State and regional partner-
11 ship efforts to control nutria in accordance with
12 the guidelines; and

13 “(3) submit the proposal to the Task Force for
14 approval, including a recommendation to the Task
15 Force on national priority tasks and resources re-
16 quired to carry out the proposal.

17 “(c) OTHER DUTIES.—In addition to the responsibil-
18 ities described in subsection (b), the subcommittee shall—

19 “(1) oversee and coordinate implementation of
20 approved national priority tasks relating to nutria
21 control;

22 “(2) review State and regional partnership
23 grant proposals and make recommendations to the
24 Task Force on making grants to carry out the pro-
25 posals; and

1 “(3) carry out additional duties assigned to the
 2 subcommittee by the Task Force (including a co-
 3 chairperson of the Task Force).”.

4 **SEC. 306. INFORMATION, EDUCATION, AND OUTREACH.**

5 Section 1202(h) of the Nonindigenous Aquatic Nui-
 6 sance Prevention and Control Act of 1990 (16 U.S.C.
 7 4722(h)) is amended—

8 (1) by striking “(h) EDUCATION.—The Task
 9 Force” and inserting the following:

10 “(h) INFORMATION, EDUCATION, AND OUTREACH.—

11 “(1) IN GENERAL.—The Task Force”; and

12 (2) by adding at the end the following:

13 “(2) ACTIVITIES.—

14 “(A) IN GENERAL.—The programs carried
 15 out under paragraph (1) shall include the ac-
 16 tivities described in this paragraph.

17 “(B) PUBLIC OUTREACH.—

18 “(i) PUBLIC WARNINGS.—Not later
 19 than 180 days after the date of enactment
 20 of the National Aquatic Invasive Species
 21 Act of 2003, each Federal officer of an
 22 agency that provides Federal funds to
 23 States for building or maintaining public
 24 access points to United States water bodies
 25 shall amend the guidelines of the agency,

1 in consultation with relevant State agen-
 2 cies, to encourage the posting of regionally-
 3 specific public warnings or other suitable
 4 informational and educational materials at
 5 the access points regarding—

6 “(I) the danger of spread of
 7 aquatic invasive species through the
 8 transport of recreational watercraft;
 9 and

10 “(II) methods for removing orga-
 11 nisms prior to transporting a
 12 watercraft.

13 “(ii) CLEANING OF WATERCRAFT AT
 14 MARINAS.—Not later than 1 year after the
 15 date of enactment of the National Aquatic
 16 Invasive Species Act of 2003, the Under
 17 Secretary and the Director (in cooperation
 18 with the Task Force and in consultation
 19 with the States, relevant industry groups,
 20 and Indian tribes) shall develop an edu-
 21 cation, outreach, and training program di-
 22 rected toward marinas and marina opera-
 23 tors regarding—

24 “(I) checking watercraft for live
 25 organisms;

1 “(II) removing live organisms
 2 from the watercraft before the
 3 watercraft are commercially or
 4 recreationally trailered;

5 “(III) encouraging regular hull
 6 cleaning and maintenance, avoiding
 7 in-water hull cleaning; and

8 “(IV) other activities, as identi-
 9 fied by the Secretary.

10 “(iii) PROPER DISPOSAL OF NON-
 11 NATIVE LIVE AQUATIC ORGANISMS IN
 12 TRADE.—The Task Force shall—

13 “(I) not later than 1 year after
 14 the date of enactment of the National
 15 Aquatic Invasive Species Act of 2003,
 16 develop (in consultation with industry
 17 and other affected parties) guidelines
 18 for proper disposal of live nonnative
 19 aquatic organisms in trade; and

20 “(II) use the guidelines in appro-
 21 priate public information and out-
 22 reach efforts.

23 “(C) 100TH MERIDIAN PROGRAM.—

24 “(i) IN GENERAL.—Not later than 1
 25 year after the date of enactment of the

1 National Aquatic Invasive Species Act of
2 2003, the Task Force shall expand the in-
3 formation and education program directed
4 at recreational boaters in States from
5 which watercraft are transported westward
6 across the 100th meridian.

7 “(ii) ACTIVITIES.—In carrying out the
8 program, the task force shall—

9 “(I) survey owners of watercraft
10 transported westward across the
11 100th meridian to determine the
12 States of origin of most such owners;

13 “(II) provide information directly
14 to watercraft owners concerning the
15 importance of cleaning watercraft car-
16 rying live organisms before trans-
17 porting the watercraft; and

18 “(III) support education and in-
19 formation programs of the States of
20 origin to ensure that the State pro-
21 grams address westward spread.

22 “(D) INFORMATION AND EDUCATION PRO-
23 GRAM BY NATIONAL PARK SERVICE.—The Sec-
24 retary of the Interior, acting through the Direc-
25 tor of the National Park Service, shall develop

1 a program to provide public outreach and other
2 educational activities to prevent the spread of
3 aquatic invasive species by recreational
4 watercraft in parkland or through events spon-
5 sored by the National Park Service, including
6 the Lewis and Clark Bicentennial Expedition.

7 “(3) OUTREACH TO INDUSTRY.—The Task
8 Force, in conjunction with the Invasive Species
9 Council, shall carry out activities to inform and pro-
10 mote voluntary cooperation and regulatory compli-
11 ance by members of the national and international
12 maritime, horticultural, aquarium, aquaculture, pet
13 trade, and other appropriate industries with screen-
14 ing, monitoring, and control of the transportation of
15 aquatic invasive species.

16 “(4) PUBLIC ACCESS TO MONITORING INFORMA-
17 TION.—The Task Force, the Invasive Species Coun-
18 cil, and other relevant agencies, shall maintain infor-
19 mation on the Internet regarding—

20 “(A) the best approaches for the public
21 and private interests to use in assisting with
22 national early detection and monitoring of
23 aquatic invasive species in waters of the United
24 States;

1 “(B) contact locations for joining a na-
2 tional network of monitoring stations;

3 “(C) approved State Management Plans
4 under section 1204(a) and Rapid Response
5 Contingency Strategies under sections
6 1211(a)(2) and 1211(c); and

7 “(D) the list of potential invaders under
8 section 1201(a)(4).”.

9 **TITLE IV—AQUATIC INVASIVE** 10 **SPECIES RESEARCH**

11 **SEC. 401. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL RE-** 12 **SEARCH.**

13 (a) IN GENERAL.—Subtitle B of the Nonindigenous
14 Aquatic Nuisance Prevention and Control Act of 1990 (16
15 U.S.C. 4711 et seq.) (as amended by section 301) is
16 amended by adding at the end the following:

17 **“SEC. 1107. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL** 18 **RESEARCH.**

19 “(a) DEFINITION OF ADMINISTERING AGENCIES.—

20 “(1) IN GENERAL.—In this section and section
21 1108, the term ‘administering agencies’ means—

22 “(A) the Smithsonian Environmental Re-
23 search Center;

24 “(B) the United States Geological Survey;
25 and

1 “(C) the National Oceanic and Atmos-
 2 pheric Administration (including the Great
 3 Lakes Environmental Research Laboratory).

4 “(2) MEMORANDUM OF UNDERSTANDING.—The
 5 administering agencies shall enter into an agreement
 6 regarding implementation of this subtitle.

7 “(3) CONSULTATION.—In carrying out this sec-
 8 tion, the administering agencies shall consult with—

9 “(A) the Task Force;

10 “(B) the Environmental Protection Agen-
 11 cy;

12 “(C) the United States Fish and Wildlife
 13 Service; and

14 “(D) other appropriate Federal and State
 15 agencies.

16 “(4) COOPERATION.—In carrying out this sec-
 17 tion, the administering agencies shall contract, as
 18 appropriate, or otherwise cooperate with academic
 19 researchers.

20 “(b) PROGRAM.—The administering agencies shall
 21 develop (not later than 18 months after the date of enact-
 22 ment of the National Aquatic Invasive Species Act of
 23 2003) and conduct a marine and freshwater research pro-
 24 gram (including ecological and pathway surveys and ex-
 25 perimentation) to assess rates of, patterns of, and condi-

1 tions surrounding introductions of nonnative aquatic spe-
 2 cies in aquatic ecosystems.

3 “(c) PURPOSE.—The purpose of the program is to
 4 support efforts to prevent the introduction of, and detect
 5 and eradicate, invasive species by—

6 “(1) providing information for—

7 “(A) early detection and rapid response ef-
 8 forts; and

9 “(B) relevant policy questions; and

10 “(2) assessing the effectiveness of implemented
 11 policies (including any standard) to prevent the in-
 12 troduction and spread of aquatic invasive species.

13 “(d) PROTOCOL DEVELOPMENT.—The administering
 14 agencies shall—

15 “(1) establish standardized protocols for con-
 16 ducting surveys that are integrated and produce
 17 comparable data, and, as practicable, build on exist-
 18 ing protocols and data collection methods (including
 19 surveys required under subsection (b)), including—

20 “(A) protocols to support early detection
 21 surveys of nonnative aquatic species conducted
 22 by Federal, State, or local agencies involved in
 23 the management of invasive species, including
 24 surveys carried out pursuant to section 1106;

1 “(B) protocols to support comprehensive
 2 ecological surveys conducted under this section
 3 for purposes of research and analysis of rates
 4 and patterns of invasions; and

5 “(C) protocols to support pathway surveys;

6 “(2) recommend a standardized approach for
 7 classifying species;

8 “(3) when proposing protocols, consider rec-
 9 ommendations made at the workshop conducted
 10 under subsection (h);

11 “(4) subject the protocols to peer review;

12 “(5) complete the protocols not later than 1
 13 year after the date of enactment of the National
 14 Aquatic Invasive Species Act of 2003;

15 “(6) revise protocols as necessary; and

16 “(7) disseminate the protocols to the Task
 17 Force and other Federal, State, and local stake-
 18 holders.

19 “(e) ECOLOGICAL AND PATHWAY SURVEY REQUIRE-
 20 MENTS.—

21 “(1) IN GENERAL.—Each comprehensive eco-
 22 logical survey conducted under this section shall, at
 23 a minimum—

24 “(A) document baseline ecological informa-
 25 tion of the aquatic ecosystem, including—

1 “(i) to the maximum extent prac-
 2 ticable, a comprehensive inventory of na-
 3 tive species, nonnative species, and species
 4 of unknown origin, present in the eco-
 5 system; and

6 “(ii) the chemical and physical charac-
 7 teristics of water and underlying substrate
 8 in the ecosystem;

9 “(B) in the case of nonnative species, gath-
 10 er information to assist in identifying—

11 “(i) the life history of the species;

12 “(ii) the environmental requirements
 13 and tolerances of the species;

14 “(iii) the native ecosystems of the spe-
 15 cies; and

16 “(iv) the history of the species spread
 17 from the native ecosystems of the species;

18 “(C) track the establishment of nonnative
 19 species, including information about the esti-
 20 mated population of nonnative organisms to
 21 allow an analysis of the probable date of intro-
 22 duction of the species; and

23 “(D) identify the likely pathway of entry of
 24 nonnative species.

1 “(2) MINIMUM REQUIREMENTS.—Each pathway
2 survey conducted under this section shall, at a min-
3 imum—

4 “(A) identify which nonnative aquatic spe-
5 cies are being introduced, or have the potential
6 to be introduced, through the pathways under
7 consideration;

8 “(B) determine the rate of organism intro-
9 duction through the pathways under consider-
10 ation; and

11 “(C) determine the practices that contrib-
12 uted to or could contribute to the introduction
13 of nonnative aquatic species through the path-
14 ways under consideration.

15 “(f) NUMBER AND LOCATION OF SURVEY SITES.—

16 “(1) REQUIRED SITES.—The administering
17 agencies shall designate the number and location of
18 survey sites necessary to carry out marine and fresh-
19 water research required under this section.

20 “(2) EMPHASIS.—In carrying out paragraph
21 (1) and subsection (g), the administering agencies
22 shall give particular consideration to—

23 “(A) the geographic diversity of sites; and

24 “(B) the diversity of human uses and bio-
25 logical characteristics of sites.

1 “(g) COMPETITIVE GRANT PROGRAM.—

2 “(1) IN GENERAL.—In order to assist in car-
 3 rying out subsections (b) and (i), the administering
 4 agencies (acting through the National Oceanic and
 5 Atmospheric Administration) shall administer a pro-
 6 gram to award grants to academic institutions, State
 7 agencies, and other appropriate groups.

8 “(2) ADMINISTRATION.—The program required
 9 under this section shall be competitive, peer-re-
 10 viewed, and merit-based.

11 “(h) WORKSHOP.—Not later than 120 days after the
 12 date of enactment of the National Aquatic Invasive Spe-
 13 cies Act of 2003, to assist in the development of the proto-
 14 cols and design for the surveys under this section, the ad-
 15 ministering agencies shall—

16 “(1) convene a workshop among researchers
 17 from Federal and State agencies and academic insti-
 18 tutions to obtain recommendations for the develop-
 19 ment of the protocols and surveys; and

20 “(2) make the results of the workshop widely
 21 available to the public.

22 “(i) EXPERIMENTATION.—The administering agen-
 23 cies shall conduct (at existing field stations and such other
 24 sites as may be appropriate) coordinated experiments on
 25 a range of taxonomic groups to identify—

1 “(1) the relationship between the introduction
2 and establishment of nonnative aquatic species; and

3 “(2) the circumstances necessary for the species
4 to survive and thrive.

5 “(j) NATIONAL PATHWAYS AND ECOLOGICAL SUR-
6 VEYS DATABASE.—

7 “(1) IN GENERAL.—The United States Geologi-
8 cal Survey shall develop, maintain, and update, in
9 consultation and cooperation with the Smithsonian
10 Environmental Research Center and the National
11 Oceanic and Atmospheric Administration, a central
12 national database of information concerning infor-
13 mation collected under section 1107(b).

14 “(2) REQUIREMENT.—The United States Geo-
15 logical Survey shall—

16 “(A) make the database widely available to
17 the public;

18 “(B) update the database not less often
19 than once every 90 days;

20 “(C) coordinate the database with existing
21 databases collecting similar information; and

22 “(D) to the maximum extent practicable,
23 format the databases in a manner such that the
24 data is useful for researchers and Federal and

1 State employees managing relevant invasive
2 species programs.”.

3 (b) VESSEL PATHWAY SURVEYS.—Section
4 1102(b)(2)(B) of Nonindigenous Aquatic Nuisance Pre-
5 vention and Control Act of 1990 (16 U.S.C.
6 4712(b)(2)(B)) is amended by striking clause (ii) and in-
7 serting the following:

8 “(ii) examine other potential modes
9 for the introduction of nonnative aquatic
10 species by vessel, including hull fouling.”.

11 **SEC. 402. ANALYSIS.**

12 (a) IN GENERAL.—Subtitle B of the Nonindigenous
13 Aquatic Nuisance Prevention and Control Act of 1990 (16
14 U.S.C. 4711 et seq.) (as amended by section 401(a)) is
15 amended by adding at the end the following:

16 **“SEC. 1108. ANALYSIS.**

17 “(a) INVASION ANALYSIS.—

18 “(1) IN GENERAL.—Not later than 3 years
19 after the date of enactment of the National Aquatic
20 Invasive Species Act of 2003, and annually there-
21 after, the administering agencies shall analyze data
22 collected under section 1107 and other relevant re-
23 search, for the purpose of preventing the introduc-
24 tion of, detecting, and eradicating invasive species
25 by—

1 “(A) providing information for early detec-
2 tion and rapid response efforts;

3 “(B) providing information for relevant
4 policy questions; and

5 “(C) assessing the effectiveness of imple-
6 mented policies to prevent the introduction and
7 spread of invasive species.

8 “(2) CONTENTS.—The analysis required under
9 paragraph (1) shall include, with respect to aquatic
10 invasive species—

11 “(A) an analysis of pathways to—

12 “(i) identify, and characterize as
13 high-, medium-, or low-risk, regional and
14 national pathways for the introduction of
15 nonnative aquatic species into aquatic eco-
16 systems;

17 “(ii) identify new and expanding path-
18 ways through which nonnative aquatic spe-
19 cies may be introduced into aquatic eco-
20 systems;

21 “(iii) identify handling practices that
22 contribute to the introduction of species in
23 pathways; and

1 “(iv) assess the risk that species cur-
2 rently used in commerce pose for introduc-
3 tion into aquatic ecosystems;

4 “(B) include patterns and rates of invasion
5 and susceptibility to invasion of various types of
6 bodies of water;

7 “(C) consider the ways in which the risk of
8 establishment of an aquatic invasive species
9 through a pathway is related to the identity and
10 number of organisms transported;

11 “(D) consider rates of spread and numbers
12 and types of pathways of spread of new popu-
13 lations of the aquatic invasive species and esti-
14 mate the potential for the spread and distribu-
15 tion of newly introduced invasive species based
16 on the environmental requirements and histor-
17 ical distribution of the species;

18 “(E) document factors that influence the
19 vulnerability of an ecosystem to invasion by a
20 nonnative aquatic species;

21 “(F) include a description of the potential
22 for, and impacts of, pathway management pro-
23 grams on invasion rates;

1 “(G) provide recommendations for im-
 2 provements on the effectiveness of pathway
 3 management;

4 “(H) to the extent practicable, determine
 5 the level of reduction in live organisms of var-
 6 ious taxonomic groups required to reduce to an
 7 acceptable level the risk of establishment to re-
 8 ceiving aquatic ecosystems; and

9 “(I) evaluate the effectiveness of manage-
 10 ment actions (including any standard) at reduc-
 11 ing species introductions and establishment.

12 “(3) REPORT.—The administering agencies
 13 shall submit to the Task Force a report on analyses
 14 conducted under this section.

15 “(b) RESEARCH TO ASSESS THE POTENTIAL OF THE
 16 ESTABLISHMENT OF INTRODUCED SPECIES.—

17 “(1) IN GENERAL.—Not later than 2 years
 18 after the date of enactment of the National Aquatic
 19 Invasive Species Act of 2003, the administering
 20 agencies shall develop, conduct peer review of, and
 21 submit to the Task Force a profile of the general
 22 characteristics of invasive species, in order to—

23 “(A) predict, to the extent practicable,
 24 whether a species planned for importation is

1 likely to invade a particular aquatic ecosystem
2 if introduced; and

3 “(B) support the development of the
4 screening process authorized under section
5 1105.

6 “(2) RESEARCH.—In developing the profile, the
7 administering agencies shall analyze the research
8 conducted under section 1107 and other research as
9 necessary to determine—

10 “(A) characteristics of general species and
11 ecosystems (taking into account the opportunity
12 for introduction into any ecosystem); and

13 “(B) circumstances that may lead to estab-
14 lishment of a nonnative aquatic organism.

15 “(3) RECOMMENDATIONS.—Based on the pro-
16 file, the administering agencies shall develop and
17 submit to the Task Force, for inclusion in the report
18 to Congress developed under section 1201(f)(2)(B),
19 recommendations concerning which planned importa-
20 tion of nonnative aquatic organisms warrant restric-
21 tion under section 1105.

22 **“SEC. 1109. DISSEMINATION.**

23 “(a) IN GENERAL.—The Invasive Species Council, in
24 coordination with the Task Force, and the administering
25 agencies shall disseminate the information collected under

1 this Act to Federal, State, and local entities (including rel-
2 evant policymakers and private researchers with responsi-
3 bility over or interest in aquatic invasive species).

4 “(b) REPORTS.—The Invasive Species Council
5 shall—

6 “(1) not later than 3 years after the date of en-
7 actment of the National Aquatic Invasive Species
8 Act of 2003, submit to Congress a report that de-
9 scribes the actions and findings carried out under
10 this Act; and

11 “(2) at least once every 3 years thereafter or
12 more often as necessary, update the report.

13 “(c) RESPONSE STRATEGY.—To enable Federal,
14 State, and local entities having responsibility for respond-
15 ing to the introduction of potentially harmful nonnative
16 aquatic species to better and more rapidly respond to
17 those introductions, the Invasive Species Council, in co-
18 ordination with the Task Force, the administering agen-
19 cies, and other appropriate Federal and State agencies,
20 shall implement a national strategy for the sharing of in-
21 formation collected under this Act with those entities.

22 “(d) PATHWAY PRACTICES.—The Invasive Species
23 Council, in coordination with the Task Force, and the ad-
24 ministering agencies shall disseminate information to, and
25 develop an ongoing educational program for, pathway

1 users (including vendors and customers) to inform those
 2 users about means by which users can prevent the inten-
 3 tional or unintentional introduction of nonnative aquatic
 4 species into aquatic ecosystems.

5 **“SEC. 1110. TECHNOLOGY DEVELOPMENT DEMONSTRATION**
 6 **AND VERIFICATION.**

7 “(a) ENVIRONMENTALLY SOUND TECHNOLOGY DE-
 8 VELOPMENT, DEMONSTRATION AND VERIFICATION.—

9 “(1) IN GENERAL.—Not later than 1 year after
 10 the date of enactment of the National Aquatic
 11 Invasive Species Act of 2003, the Administrator, in
 12 consultation with the Army Corps of Engineers and
 13 the administering agencies, shall develop and imple-
 14 ment a grant program to fund research, develop-
 15 ment, demonstration, and verification of environ-
 16 mentally sound cost-effective technologies and meth-
 17 ods to control and eradicate aquatic invasive species.

18 “(2) PURPOSES.—Proposals funded under this
 19 program shall—

20 “(A) provide funds to support on-going ef-
 21 forts of Federal, State, or local officials to con-
 22 trol and eradicate aquatic invasive species in an
 23 environmentally sound manner;

24 “(B) increase the number of environ-
 25 mentally sound technologies or methods Fed-

1 eral, State, or local officials may use to control
2 or eradicate aquatic invasive species;

3 “(C) provide for the demonstration or dis-
4 semination of the technologies or methods to
5 potential end-users; and

6 “(D) verify that any technology or practice
7 meets any appropriate criteria developed for ef-
8 fectiveness and environmental soundness that
9 are established by the Administrator.

10 “(3) PREFERENCE.—In making grants under
11 this subsection, the Administrator shall give pref-
12 erence to proposals that meet criteria developed for
13 environmental soundness that are established by the
14 Administrator.

15 “(4) MERIT REVIEW.—Grants awarded through
16 this subsection shall be awarded through a competi-
17 tive, peer-reviewed process and shall be merit-based.

18 “(5) REPORT.—Not later than 3 years after the
19 date of enactment of the National Aquatic Invasive
20 Species Act of 2003, the Administrator shall submit
21 to Congress a report on the program conducted
22 under this subsection, including findings and rec-
23 ommendations of the Secretary with respect to tech-
24 nologies and methods described in paragraph (1).

1 “(b) DISPERSAL BARRIER RESEARCH PROGRAM.—
 2 Not later than 1 year after the date of enactment of the
 3 National Aquatic Invasive Species Act of 2003, the Assist-
 4 ant Secretary, in conjunction with the Director and other
 5 appropriate Federal agencies and academic researchers,
 6 shall establish a research, development, and demonstration
 7 program—

8 “(1) to study environmentally sound methods
 9 and technologies to reduce dispersal of aquatic
 10 invasive species through interbasin waterways; and

11 “(2) to assess the potential for using those
 12 methods and technologies in other waterways.”.

13 (b) EXPANSION OF VESSEL PATHWAY TECHNOLOGY
 14 DEMONSTRATION PROGRAM.—Section 1104(b) of the
 15 Nonindigenous Aquatic Nuisance Prevention and Control
 16 Act of 1990 (16 U.S.C. 4712(b)) is amended—

17 (1) by redesignating paragraphs (4) and (5) as
 18 paragraphs (7) and (8), respectively; and

19 (2) by inserting after paragraph (3) the fol-
 20 lowing:

21 “(4) ADDITIONAL PURPOSES.—The Secretary
 22 of the Interior and the Secretary of Commerce may
 23 demonstrate and verify technologies under this sub-
 24 section to monitor and control pathways of organism

1 transport on vessels other than through ballast
2 water.

3 “(5) PRIORITY.—In making grants under this
4 subsection, the Secretary of the Interior and the
5 Secretary of Commerce shall give priority to tech-
6 nologies that meet criteria established in any testing
7 protocol developed under the Environmental Tech-
8 nology Verification program of the Administrator.

9 “(6) WORKSHOP.—The Secretary of the Inte-
10 rior and the Secretary of Commerce shall—

11 “(A) hold an annual workshop to encour-
12 age the exchange of information between and
13 among—

14 “(i) principal investigators for which
15 funds are made available under this sub-
16 section; and

17 “(ii) researchers conducting research
18 directly relating to vessel pathway tech-
19 nology development; and

20 “(B) make the results of the proceedings
21 widely available to the public.”.

22 **SEC. 403. VESSEL PATHWAY STANDARDS RESEARCH.**

23 Subtitle B of the Nonindigenous Aquatic Nuisance
24 Prevention and Control Act of 1990 (16 U.S.C. 4711 et

1 seq.) (as amended by section 402(a)) is amended by add-
2 ing at the end the following:

3 **“SEC. 1111. VESSEL PATHWAY STANDARDS RESEARCH.**

4 “(a) RESEARCH PROGRAM.—

5 “(1) IN GENERAL.—The Secretary and the Ad-
6 ministrator (in coordination with the National Oce-
7 anic and Atmospheric Administration, the Task
8 Force, and other appropriate Federal agencies and
9 academic researchers) shall develop and conduct a
10 coordinated research program to support the estab-
11 lishment and implementation of standards to prevent
12 the introduction and spread of aquatic invasive spe-
13 cies by vessels.

14 “(2) COMPONENTS.—The research program
15 shall include programs to—

16 “(A) characterize physical, chemical, and
17 biological harbor conditions relevant to ballast
18 discharge into waters of the United States to
19 provide information for the design and imple-
20 mentation of vessel vector control technologies
21 and practices;

22 “(B) develop testing protocols for deter-
23 mining the effectiveness of vector monitoring
24 and control technologies and practices;

1 “(C) research and demonstrate methods
2 for mitigating the spread of aquatic invasive
3 species by coastal voyages, including the explo-
4 ration of the effectiveness of alternative ex-
5 change zones in the near coastal areas and
6 other methods proposed to reduce the transfers
7 of organisms;

8 “(D) verify the practical effectiveness of
9 any type approval process to ensure that the
10 process produces repeatable and accurate as-
11 sessments of treatment effectiveness; and

12 “(E) evaluate the effectiveness and resid-
13 ual risk and environmental impacts associated
14 with any standard established with respect to a
15 ship pathway through experimental research.

16 “(b) PERFORMANCE TEST.—Not later than 1 year
17 after the date of enactment of the National Aquatic
18 Invasive Species Act of 2003, the Secretary, in conjunc-
19 tion with the National Institute of Standards and Tech-
20 nology and the Maritime Administration, shall design a
21 performance test for ballast water exchange (such as a dye
22 study) to measure the effectiveness of ballast water ex-
23 change.

24 “(c) NATIONAL ACADEMY OF SCIENCES STUDY.—

1 “(1) IN GENERAL.—The Secretary shall enter
2 into an agreement with the National Academy of
3 Sciences under which the Academy shall—

4 “(A) identify the relative risk of transfer of
5 various taxonomic groups of invasive species by
6 different vessel modes;

7 “(B)(i) assess the extent to which a ballast
8 water standard that virtually eliminates the risk
9 of introduction of invasive species by ballast
10 water may relate to the risk of introductions by
11 all vessel modes; and

12 “(ii) explain the degree of uncertainty in
13 such an assessment; and

14 “(C)(i) recommend methods for reducing
15 the transfers of invasive species by vessels by
16 addressing all parts and systems of vessels and
17 all related modes of transport of invasive orga-
18 nisms; and

19 “(ii) identify the research, development,
20 and demonstration needed to improve the infor-
21 mation base to support those methods, includ-
22 ing economic information.

23 “(2) REPORT.—Not later than 2 years after the
24 date of enactment of the National Aquatic Invasive
25 Species Act of 2003, the Secretary shall submit to

1 Congress a report that describes the results of the
2 study under paragraph (1).

3 “(3) IMPLEMENTATION OF RECOMMENDA-
4 TIONS.—Not later than the later of the date that is
5 1 year after the date of submission of the report
6 under paragraph (2) or the date that is 3 years after
7 the date of enactment of the National Aquatic
8 Invasive Species Act of 2003, the Task Force, in
9 conjunction with the Administrator, administering
10 agencies, and other appropriate Federal agencies,
11 shall submit to the Secretary a report that describes
12 recommendations for—

13 “(A) a vessel pathway treatment standard
14 that incorporates all potential modes of transfer
15 by vessel; and

16 “(B) methods for type approval and accu-
17 rate monitoring of treatment performance that
18 are simple and streamlined and follow estab-
19 lished protocols.

20 “(d) WORKING GROUP.—

21 “(1) IN GENERAL.—Not later than 2 years
22 after the date of issuance by the Secretary of any
23 standard relating to the introduction by vessels of
24 invasive species, the Secretary shall convene a work-
25 ing group (including the Administrator, the admin-

1 istering agencies, and other appropriate Federal and
2 State agencies and academic researchers) to evaluate
3 the effectiveness of that standard and accompanying
4 implementation protocols.

5 “(2) DUTIES.—The duties of the working group
6 shall include, at a minimum—

7 “(A) reviewing the effectiveness of the
8 standard in reducing the establishment of
9 invasive species in aquatic ecosystems, taking
10 into consideration the data collected under sec-
11 tion 1107; and

12 “(B) submitting recommendations to the
13 Secretary (who shall make the recommenda-
14 tions widely available to the public) for the revi-
15 sion of the standard and type approval process
16 in order to ensure—

17 “(i) effectiveness in reducing introduc-
18 tions of invasive species; and

19 “(ii) the effectiveness of accurate
20 shipboard monitoring of treatment per-
21 formance in a simple and streamlined man-
22 ner.”.

1 **SEC. 404. GRADUATE EDUCATION IN SYSTEMATICS AND**
2 **TAXONOMY.**

3 Subtitle B of the Nonindigenous Aquatic Nuisance
4 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
5 seq.) (as amended by section 403) is amended by adding
6 at the end the following:

7 **“SEC. 1112. RESEARCH IN SYSTEMATICS AND TAXONOMY.**

8 “(a) IN GENERAL.—The National Science Founda-
9 tion shall establish a program to award grants to research-
10 ers at institutions of higher education and museums to
11 carry out research in systematics and taxonomy.

12 “(b) PURPOSES.—The purposes of the program
13 are—

14 “(1) to encourage scientists to pursue careers
15 in systematics and taxonomy to ensure a continuing
16 knowledge base in those disciplines;

17 “(2) to ensure that there will be adequate ex-
18 pertise in systematics and taxonomy to meet Fed-
19 eral, State, and local needs to identify invasive spe-
20 cies;

21 “(3) to develop that expertise throughout the
22 United States with an emphasis on regional diver-
23 sity; and

24 “(4) to draw on existing expertise in system-
25 atics and taxonomy at institutions of higher edu-

1 cation and museums to train the next generation of
 2 systematists and taxonomists.

3 “(c) ADMINISTRATION.—

4 “(1) MERIT REVIEW.—Grants awarded through
 5 this section shall be awarded through a competitive,
 6 peer-reviewed process and shall be merit-based.

7 “(2) PREFERENCES.—In making grants under
 8 this section, the National Science Foundation shall
 9 provide a preference for—

10 “(A) projects in a diverse set of ecosystems
 11 and geographic locations;

12 “(B) if applicable, projects that are inte-
 13 grated with the Long Term Ecological Research
 14 Network created by the National Science Foun-
 15 dation;

16 “(C) projects that include student partici-
 17 pation; and

18 “(D) projects carried out by institutions of
 19 higher education and museums that actively
 20 train students to become experts in systematics
 21 and taxonomy.”.

1 **TITLE V—COORDINATION**

2 **SEC. 501. PROGRAM COORDINATION.**

3 (a) MEMBERSHIP OF TASK FORCE.—Section 1201(b)
4 of the Nonindigenous Aquatic Nuisance Prevention and
5 Control Act of 1990 (16 U.S.C. 4721) is amended—

6 (1) in paragraph (6), by striking “and” at the
7 end;

8 (2) by redesignating paragraph (7) as para-
9 graph (12); and

10 (3) by inserting after paragraph (6) the fol-
11 lowing:

12 “(7) the Director of the United States Geologi-
13 cal Survey;

14 “(8) the Director of the Smithsonian Environ-
15 mental Research Center;

16 “(9) the Secretary of State;

17 “(10) the Secretary of Transportation;

18 “(11) the Secretary of Homeland Security;
19 and”.

20 (b) COORDINATION WITH INVASIVE SPECIES COUN-
21 CIL.—Section 1201(f) of the Nonindigenous Aquatic Nui-
22 sance Prevention and Control Act of 1990 (16 U.S.C.
23 4721(f)) is amended—

24 (1) by striking “Each Task Force member” and
25 inserting the following:

1 “(1) IN GENERAL.—Each member of the Task
2 Force”; and

3 (2) by adding at the end the following:

4 “(2) INVASIVE SPECIES COUNCIL.—The
5 Invasive Species Council shall—

6 “(A) coordinate and cooperate with the
7 Task Force in carrying out the duties of the
8 Invasive Species Council relating to aquatic
9 invasive species;

10 “(B) not later than 2 years after the date
11 of enactment of the National Aquatic Invasive
12 Species Act of 2003, and every 3 years there-
13 after, submit to Congress a report that summa-
14 rizes the status of the conduct of activities au-
15 thorized by and required under this Act; and

16 “(C) establish any regional panels or task
17 forces in coordination with the regional panels
18 of the Task Force convened under section
19 1203.”.

20 (c) COORDINATION WITH OTHER PROGRAMS.—Sec-
21 tion 1202(c) of the Nonindigenous Aquatic Nuisance Pre-
22 vention and Control Act of 1990 (16 U.S.C. 4722(c)) is
23 amended by adding at the end the following:

24 “(3) RECOMMENDATIONS FOR LISTS.—

1 “(A) IN GENERAL.—The Task Force shall
 2 annually recommend to Federal agencies of ju-
 3 risdiction such additions of aquatic invasive
 4 species as the Task Force determines to be ap-
 5 propriate for inclusion on—

6 “(i) any list of species of wildlife cov-
 7 ered by section 42 of title 18, United
 8 States Code (including regulations); or

9 “(ii) any list of noxious weeds under
 10 the Plant Protection Act (7 U.S.C. 7701 et
 11 seq.) (including regulations promulgated
 12 under that Act contained in part 360 of
 13 title 7, Code of Federal Regulations (or
 14 any successor regulations)).

15 “(B) PROCESS.—The Task Force may use
 16 the screening process developed pursuant to
 17 section 1105 to identify species pursuant to
 18 subparagraph (A).”.

19 (d) REGIONAL COORDINATION.—Section 1203 of the
 20 Nonindigenous Aquatic Nuisance Prevention and Control
 21 Act of 1990 (16 U.S.C. 4723) is amended by adding at
 22 the end the following:

23 “(d) ANNUAL INTER-REGIONAL MEETING.—The
 24 Task Force shall annually convene all regional panels es-
 25 tablished pursuant to this Act for the purpose of informa-

tion transfer between and among panels, and between the panels and the Task Force, regarding aquatic invasive species management.

“(e) ORGANIZATIONS.—

“(1) IN GENERAL.—An interstate organization that has a Federal charter authorized by law or executive order for purposes of fisheries or natural resource management may develop and implement—

“(A) regional aquatic invasive species management plans; and

“(B) rapid response activities that are—

“(i) requested by the Governors of the member States of the organization; and

“(ii) consistent with any relevant State aquatic invasive species management plans.

“(2) FUNDS.—The interstate organization may receive funds under this Act to implement activities under the regional aquatic invasive species management plan of the organization.”.

(e) STATE AQUATIC INVASIVE SPECIES MANAGEMENT PLANS.—Section 1204(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4724(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by inserting before the semicolon at the end the following: “, including, in accordance with guidelines issued by the Task Force under paragraph (5)—

“(i) rapid assessment and response contingency strategies under section 1211;

“(ii) early detection strategies under section 1211(a)(2)(D);

“(iii) aquatic plant control programs conducted pursuant to other laws; and

“(iv) screening of planned introductions pursuant to section 1105”; and

(B) in subparagraph (D), by inserting “include” after “(D)”; and

(2) by adding at the end the following:

“(5) GUIDELINES.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the National Aquatic Invasive Species Act of 2003, the Task Force shall amend the guidelines of the Task Force for the development of plans under this subsection, including guidelines for reporting progress in implementing the plans, to encourage consistency in implementation of and reporting under those plans.

1 “(B) GUIDELINES.—The guidelines pub-
2 lished under subparagraph (A) shall include, for
3 the purpose of paragraph (2)(A), guidelines
4 concerning—

5 “(i) rapid response contingency strate-
6 gies under section 1211;

7 “(ii) early detection strategies under
8 section 1211(a)(2)(D);

9 “(iii) aquatic plant control programs
10 conducted pursuant to other laws;

11 “(iv) screening of planned introduc-
12 tions pursuant to section 1105; and

13 “(v) the review and revision of re-
14 quirements of this subsection and the re-
15 approval process under this subsection.

16 “(6) RELATIONSHIP TO OTHER PLANS.—

17 “(A) IN GENERAL.—A plan approved
18 under paragraph (4) shall be deemed to meet
19 any State planning requirement of the program
20 established under section 104 of the River and
21 Harbor Act of 1958 (33 U.S.C. 610) for a plan
22 to control noxious aquatic plant growths.

23 “(B) ENFORCEMENT.—Funds provided to
24 States for implementation of plans pursuant to
25 section 1204 may be used by States to enforce

1 requirements relating to aquatic invasive species
2 under the Plant Protection Act (7 U.S.C. 7701
3 et seq.) (including regulations promulgated
4 under that Act contained in part 360 of title
5 7, Code of Federal Regulations (or any suc-
6 cessor regulations)).

7 “(7) ELIGIBILITY OF EXISTING PLANS.—A plan
8 approved under this section as of the day imme-
9 diately before the date of enactment of the National
10 Aquatic Invasive Species Act of 2003 shall be eligi-
11 ble to receive a grant awarded under this section.

12 “(8) REVIEW AND REVISION.—

13 “(A) IN GENERAL.—Each State shall peri-
14 odically review and, as necessary, revise the
15 management plan of the State in accordance
16 with guidelines of the Task Force.

17 “(B) UPDATE OF EXISTING PLANS.—A
18 plan approved under this section as of the day
19 immediately before the date of enactment of the
20 National Aquatic Invasive Species Act of 2003
21 shall be updated after the date of enactment of
22 the National Aquatic Invasive Species Act of
23 2003 to conform to the guidelines published
24 under paragraph (5).

1 “(9) OTHER STATE MANAGEMENT PLANS.—In
 2 addition to the management plans required under
 3 this subsection, the Director shall encourage each
 4 State to develop and implement new, and expand ex-
 5 isting, State management plans to improve State ac-
 6 tions to prevent and control aquatic invasive spe-
 7 cies.”.

8 (f) GRANT PROGRAM.—Section 1204(b)(1) of the
 9 Nonindigenous Aquatic Nuisance Prevention and Control
 10 Act of 1990 (16 U.S.C. 4724(b)(1)) is amended by strik-
 11 ing “subsection (a) for the implementation of those
 12 plans.” and inserting the following: “subsection (a)—

13 “(A) to develop those plans with a total
 14 amount that does not exceed 10 percent of the
 15 amounts made available for grants under this
 16 section for each fiscal year; and

17 “(B) to implement those plans.”.

18 **SEC. 502. INTERNATIONAL COORDINATION.**

19 (a) IN GENERAL.—Subtitle E of the Nonindigenous
 20 Aquatic Nuisance Prevention and Control Act of 1990 (16
 21 U.S.C. 4751 et seq.) is amended—

22 (1) by striking the subtitle heading and insert-
 23 ing the following:

24 **“Subtitle E—Administration”;**

25 and

1 (2) by adding at the end the following:

2 **“SEC. 1402. INTERNATIONAL COORDINATION.**

3 “(a) IN GENERAL.—The Task Force, the Invasive
4 Species Council, and the Secretary of State shall, to the
5 maximum extent practicable, ensure that international ef-
6 forts to prevent, detect, monitor, assess, and control
7 aquatic invasive species (including through the Inter-
8 national Maritime Organization, the International Con-
9 vention on the Exploration of the Sea, the Global Invasive
10 Species Program, and other appropriate programs) are co-
11 ordinated with policies of the United States established by
12 this Act.

13 “(b) COORDINATION WITH NEIGHBORING COUN-
14 TRIES.—

15 “(1) IN GENERAL.—The Task Force, in con-
16 sultation with the Secretary of State, shall include in
17 the report required by section 1202(m) a description
18 of the means by which international agreements and
19 regulations with countries that share a border with
20 the United States will be implemented and enforced
21 by Federal agencies (including a clarification of the
22 roles and responsibilities of those agencies).

23 “(2) NEGOTIATIONS.—As soon as practicable
24 after the date of enactment of the National Aquatic

1 Invasive Species Act of 2003, the Secretary of State
2 may enter into negotiations with—

3 “(A) Canada to issue a request that the
4 International Joint Commission, not later than
5 18 months after the date of enactment of that
6 Act, review, research, conduct hearings on, and
7 submit to the parties represented on the Inter-
8 national Joint Commission a report that de-
9 scribes the success of current policies of govern-
10 ments in the United States and Canada having
11 jurisdiction over the Great Lakes in antici-
12 pating and preventing biological invasions of
13 the aquatic ecosystem in the Great Lakes, in-
14 cluding—

15 “(i) an analysis of current Federal,
16 State or Provincial, local, and international
17 laws, enforcement practices, and agree-
18 ments;

19 “(ii) an analysis of prevention efforts
20 relating to all likely pathways for biological
21 invasions of the aquatic ecosystem in the
22 Great Lakes; and

23 “(iii) recommendations of the Inter-
24 national Joint Commission for means by
25 which to improve and harmonize the poli-

1 cies and enforcement practices referred to
2 in clause (i); and

3 “(B) Mexico, to ensure coordination of ef-
4 forts of the United States with efforts of Mex-
5 ico to manage invasive species established in the
6 United States-Mexico border region.”.

7 **TITLE VI—AUTHORIZATION OF** 8 **APPROPRIATIONS**

9 **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 1301 of the Nonindigenous Aquatic Nuisance
11 Prevention and Control Act of 1990 (16 U.S.C. 4741) is
12 amended to read as follows:

13 **“SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) IN GENERAL.—Except as otherwise provided in
15 this section, there are authorized to be appropriated such
16 sums as are necessary to carry out this Act for each of
17 fiscal years 2004 through 2008.

18 “(b) TASK FORCE AND AQUATIC INVASIVE SPECIES
19 PROGRAM.—There are authorized to be appropriated for
20 each of fiscal years 2004 through 2008—

21 “(1) \$8,000,000, to carry out activities of the
22 Task Force under section 1202, of which—

23 “(A) \$4,000,000 shall be used by the Di-
24 rector;

1 “(B) \$3,000,000 shall be used by the Na-
2 tional Oceanic and Atmospheric Administration;
3 and

4 “(C) \$1,000,000 shall be used by the
5 Invasive Species Council;

6 “(2) \$30,000,000, to provide grants under sec-
7 tion 1204(b);

8 “(3) \$3,000,000, to provide assistance to the
9 regional panels of the Task Force;

10 “(4) \$1,000,000, to be used by the Director to
11 carry out section 1105(g); and

12 “(5) \$6,000,000, to be used by the Secretary of
13 the Interior to carry out section 1209.

14 “(c) INTERNATIONAL COORDINATION.—There is au-
15 thorized to be appropriated to the Department of State
16 to carry out section 1403 \$1,000,000 for each of fiscal
17 years 2004 through 2008.

18 “(d) PREVENTION OF INTRODUCTION BY VESSELS
19 OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE
20 UNITED STATES.—There are authorized to be appro-
21 priated for each of fiscal years 2004 through 2008—

22 “(1) \$6,000,000, to be used by the Secretary to
23 carry out section 1101;

24 “(2) \$2,500,000, to be used by the Adminis-
25 trator to carry out section 1101; and

1 “(3) \$2,750,000, to be used by the Task Force
2 to carry out section 1101, of which—

3 “(A) \$1,500,000 shall be used by the Di-
4 rector; and

5 “(B) \$1,250,000 shall be used by the Na-
6 tional Oceanic and Atmospheric Administration.

7 “(e) PREVENTION OF THE INTRODUCTION BY NON-
8 VESSEL PATHWAYS OF AQUATIC INVASIVE SPECIES INTO
9 WATERS OF THE UNITED STATES.—There are authorized
10 to be appropriated for each of fiscal years 2004 through
11 2008—

12 “(1) \$5,000,000, to carry out the priority path-
13 way management program under section 1210, of
14 which—

15 “(A) \$2,000,000 shall be used by the Na-
16 tional Oceanic and Atmospheric Administration;
17 and

18 “(B) \$3,000,000 shall be used by the Di-
19 rector;

20 “(2) \$1,000,000, to be used by the Invasive
21 Species Council to establish screening guidelines
22 under section 1105(b); and

23 “(3) \$3,500,000, to be used by the Director to
24 promulgate and implement screening requirements
25 under section 1105(g).

1 “(f) EARLY DETECTION AND MONITORING.—There
 2 is authorized to be appropriated, to carry out early detec-
 3 tion, monitoring, and survey planning and implementation
 4 under section 1106, \$2,000,000 for each of fiscal years
 5 2004 and 2005 and \$10,000,000 for each of fiscal years
 6 2006 through 2008, of which—

7 “(1) for each of fiscal years 2004 and 2005—

8 “(A) \$1,000,000 shall be used by the Na-
 9 tional Oceanic and Atmospheric Administration;
 10 and

11 “(B) \$1,000,000 shall be used by the Di-
 12 rector; and

13 “(2) for each of fiscal years 2006 through
 14 2008—

15 “(A) \$5,000,000 shall be used by the Na-
 16 tional Oceanic and Atmospheric Administration;
 17 and

18 “(B) \$5,000,000 shall be used by the Di-
 19 rector.

20 “(g) CONTAINMENT AND CONTROL.—

21 “(1) DISPERSAL BARRIERS.—There are author-
 22 ized to be appropriated for each of fiscal years 2004
 23 through 2008—

24 “(A) \$300,000, to be used by the Assistant
 25 Secretary in carrying out operation and mainte-

1 nance of the Chicago River Canal Dispersal
2 Barrier under section 1202(j)(1);

3 “(B) \$1,800,000, to be used by the Assist-
4 ant Secretary in carrying out the complete con-
5 struction of the Chicago River Canal Dispersal
6 Barrier;

7 “(C) \$8,000,000, to be used by the Assist-
8 ant Secretary for the construction of a second
9 long-service life barrier for the Chicago River
10 Canal;

11 “(D) \$500,000, to be used by the Assist-
12 ant Secretary to carry out a feasibility study for
13 the construction described in subparagraph (C);
14 and

15 “(E) \$2,150,000, to be used by the Direc-
16 tor to carry out the monitoring program under
17 section 1202(j)(2).

18 “(2) RAPID RESPONSE.—There are authorized
19 to be appropriated for each of fiscal years 2004
20 through 2008—

21 “(A) \$25,000,000, to the rapid response
22 fund of the Secretary of the Interior established
23 under section 1211;

24 “(B) \$1,000,000, to be used by the
25 Invasive Species Council in developing the State

1 and regional rapid response contingency strat-
2 egy under section 1211; and

3 “(C) \$1,500,000, to be used for Federal
4 rapid response teams under section 1211(e), of
5 which—

6 “(i) \$500,000 shall be used by the
7 National Oceanic and Atmospheric Admin-
8 istration; and

9 “(ii) \$1,000,000 shall be used by the
10 Director.

11 “(3) ENVIRONMENTAL SOUNDNESS.—There is
12 authorized to be appropriated for establishment
13 under section 1202(k) of criteria for the improve-
14 ment of treatment methods for aquatic invasive spe-
15 cies \$600,000 for each of fiscal years 2004 through
16 2008.

17 “(4) NATIONAL NUTRIA CONTROL PROGRAM.—
18 There is authorized to be appropriated to the Direc-
19 tor to carry out the national nutria control program
20 under section 1212 \$3,000,000 for each of fiscal
21 years 2004 through 2008.

22 “(h) INFORMATION, EDUCATION AND OUTREACH.—
23 There are authorized to be appropriated for each of fiscal
24 years 2004 through 2008—

1 “(1) \$500,000, to be used by the Secretary of
2 the Interior to carry out the information and edu-
3 cation program under section 1202(h)(2)(D);

4 “(2) \$750,000, to be used by the Director in
5 carrying out the 100th meridian program under sec-
6 tion 1202(h)(2)(C);

7 “(3) \$2,000,000, to be used to carry out infor-
8 mational and educational activities of the Task
9 Force under section 1202(h), of which—

10 “(A) \$1,000,000 shall be used by the Na-
11 tional Oceanic and Atmospheric Administration;
12 and

13 “(B) \$1,000,000 shall be used by the Di-
14 rector; and

15 “(4) \$500,000, to be used by the National Oce-
16 anic and Atmospheric Administration to carry out
17 section 1202(h)(2)(B)(ii).

18 “(i) RESEARCH.—

19 “(1) ECOLOGICAL AND PATHWAY RESEARCH
20 AND ANALYSIS.—There are authorized to be appro-
21 priated for each of fiscal years 2004 through 2008—

22 “(A) \$17,000,000, to be used by the Na-
23 tional Oceanic and Atmospheric Administration
24 to carry out sections 1107 and 1108, of which

1 \$13,000,000 shall be used to carry out the
2 grant program under section 1107(g));

3 “(B) \$4,000,000, to be used by the Smith-
4 sonian Environmental Research Center to carry
5 out sections 1107 and 1108;

6 “(C) \$4,500,000, to be used by the United
7 States Geological Survey to carry out sections
8 1107 and 1108, of which \$500,000 shall be
9 used to develop, maintain, and update the data-
10 base required under section 1107(j)); and

11 “(D) \$1,650,000, to be used by the Great
12 Lakes Environmental Research Laboratory to
13 carry out the demonstration program under sec-
14 tion 1202(i).

15 “(2) DISSEMINATION.—There is authorized to
16 be appropriated to provide for the dissemination of
17 information by the Invasive Species Council under
18 section 1109 \$500,000 for each of fiscal years 2004
19 through 2008.

20 “(3) TECHNOLOGY DEVELOPMENT, DEM-
21 ONSTRATION, AND VERIFICATION.—There are au-
22 thorized to be appropriated for each of fiscal years
23 2004 through 2008—

24 “(A) \$2,500,000, to be used by the Admin-
25 istrator for the purposes of environmental

1 soundness screening and improvement under
2 section 1110(a);

3 “(B) \$1,000,000, to be used by the Assist-
4 ant Secretary to carry out the program under
5 section 1110(b); and

6 “(C) \$7,500,000, to carry out vessel path-
7 way technology development under sections
8 1104 and 1301(e).

9 “(4) VESSEL PATHWAY STANDARDS RE-
10 SEARCH.—There are authorized to be appro-
11 priated—

12 “(A) for each of fiscal years 2004 through
13 2008, \$3,000,000, to be used for research in
14 support of vessels pathway standards and tech-
15 nology evaluation under section 1111(a) of
16 which—

17 “(i) \$1,500,000 shall be used by the
18 Administrator; and

19 “(ii) \$2,000,000 shall be used by the
20 Secretary of the Coast Guard;

21 “(B) for each of fiscal years 2004 through
22 2006, \$500,000, to be used by the Coast Guard
23 to carry out the performance test required
24 under section 1111(b); and

1 “(C) for fiscal year 2004, \$500,000, to be
 2 used by the Secretary of the Coast Guard to
 3 enter into an agreement with the National
 4 Academy of Sciences to carry out the study re-
 5 quired under section 1111(c).

6 “(5) RESEARCH IN SYSTEMATICS AND TAX-
 7 ONOMY.—There is authorized to be appropriated for
 8 the National Research Foundation to provide re-
 9 search grants for systematics and taxonomy under
 10 section 1112 \$2,500,000 for each of fiscal years
 11 2004 through 2008.”.

12 **TITLE VII—CONFORMING** 13 **AMENDMENTS**

14 **SEC. 701. CONFORMING AMENDMENTS.**

15 (a) IN GENERAL.—The Nonindigenous Aquatic Nui-
 16 sance Prevention and Control Act of 1990 is amended—

17 (1) in section 1102 (16 U.S.C. 4712)—

18 (A) in subsection (a), by striking the sub-
 19 section heading and inserting the following:

20 “(a) STUDIES ON INTRODUCTION OF AQUATIC INVASIVE
 21 SPECIES BY VESSELS.—”; and

22 (B) in subsection (b)—

23 (i) by striking paragraph (1); and

1 (ii) by redesignating paragraphs (2)
 2 and (3) as paragraphs (1) and (2), respec-
 3 tively;

4 (2) in subtitle C (16 U.S.C. 4721 et seq.), by
 5 striking the subtitle heading and inserting the fol-
 6 lowing:

7 **“Subtitle C—Prevention and Con-**
 8 **trol of Aquatic Invasive Species**
 9 **Dispersal”;**

10 (3) in section 1201(a) (16 U.S.C. 4721(a)), by
 11 striking “Nuisance Species” and inserting “Invasive
 12 Species”;

13 (4) in section 1202 (16 U.S.C. 4722), by strik-
 14 ing the section heading and inserting the following:

15 **“SEC. 1202. AQUATIC INVASIVE SPECIES PROGRAM.”;**

16 (5) in section 1204 (16 U.S.C. 4724), by strik-
 17 ing the section heading and inserting the following:

18 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-**
 19 **MENT PLANS.”;**

20 and

21 (6) by striking “aquatic nuisance species” each
 22 place it appears and inserting “aquatic invasive spe-
 23 cies”.

24 (b) SHORT TITLE.—

1 (1) Section 1001 of the Nonindigenous Aquatic
2 Nuisance Prevention and Control Act of 1990 (16
3 U.S.C. 4701) is amended by striking “Nonindige-
4 nous Aquatic Nuisance” and inserting “Nonindige-
5 nous Aquatic Invasive Species”.

6 (2) REFERENCES.—Any reference in a law,
7 map, regulation, document, paper, or other record of
8 the United States to the Nonindigenous Aquatic
9 Nuisance Prevention and Control Act of 1990 shall
10 be deemed to be a reference to the Nonindigenous
11 Aquatic Invasive Species Prevention and Control Act
12 of 1990.

○